

HOUSE BILL NO. 89

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SPOHNHOLZ

Introduced: 3/11/19

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the prescription of opioids; relating to the practice of dentistry;**
2 **relating to the practice of medicine; relating to the practice of podiatry; relating to the**
3 **practice of osteopathy; relating to the practice of nursing; relating to the practice of**
4 **optometry; and relating to the practice of pharmacy."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 OPIOID ADDICTION: LEGISLATIVE FINDINGS. The legislature finds that

9 (1) the state has a considerable moral, public health, and financial interest in
10 reducing opioid and heroin addiction in the state;

11 (2) it is medically documented that opioid prescription drugs are addictive and
12 that opioid addiction is harmful and expensive to address;

13 (3) as of 2017, accepted evidence shows that a significant percentage of
14 people who become addicted to heroin were initially addicted to opioid prescription drugs;

1 (4) opioid prescription drug and heroin addiction interferes with an addict's
2 ability to work and provide for a stable and healthy family;

3 (5) the state's opioid epidemic damages the health of families and children and
4 affects the chances that a child will receive a healthy upbringing;

5 (6) the opioid epidemic increases crime in the state, and the presence of heroin
6 dealers in the state poses a public safety threat;

7 (7) the opioid epidemic costs the state and other entities excessive amounts of
8 money, which is especially problematic in lean budget times;

9 (8) policies that reduce the number of people who become addicted to opioids
10 and heroin will better serve citizens of the state and foster healthier families;

11 (9) patients are not always advised of the addictive effects of opioid
12 prescription drug use or that opioid prescription drug use may lead to opioid prescription drug
13 and heroin addiction; and

14 (10) requiring medical providers to inform patients of the risks associated with
15 opioid prescription drug use can help to reduce opioid prescription drug and heroin addictions
16 in the state.

17 * **Sec. 2.** AS 08.36.070(a) is amended to read:

18 (a) The board shall

19 (1) provide for the examination of applicants and the credentialing,
20 registration, and licensure of those applicants it finds qualified;

21 (2) maintain a registry of licensed dentists, licensed dental hygienists,
22 and registered dental assistants who are in good standing;

23 (3) affiliate with the American Association of Dental Boards and pay
24 annual dues to the association;

25 (4) hold hearings and order the disciplinary sanction of a person who
26 violates this chapter, AS 08.32, or a regulation of the board;

27 (5) supply forms for applications, licenses, permits, certificates,
28 registration documents, and other papers and records;

29 (6) enforce the provisions of this chapter and AS 08.32 and adopt or
30 amend the regulations necessary to make the provisions of this chapter and AS 08.32
31 effective;

1 (7) adopt regulations ensuring that renewal of a license, registration, or
 2 certificate under this chapter or a license, certificate, or endorsement under AS 08.32
 3 is contingent on proof of continued professional competence; the regulations must
 4 require that a licensee receive not less than two hours of education in pain
 5 management and opioid use and addiction in the two years preceding an application
 6 for renewal of a license, unless the licensee has demonstrated to the satisfaction of the
 7 board that the licensee does not currently hold a valid federal Drug Enforcement
 8 Administration registration number;

9 (8) at least annually, cause to be published on the Internet and in a
 10 newspaper of general circulation in each major city in the state a summary of
 11 disciplinary actions the board has taken during the preceding calendar year;

12 (9) issue permits or certificates to licensed dentists, licensed dental
 13 hygienists, and dental assistants who meet standards determined by the board for
 14 specific procedures that require specific education and training;

15 (10) require that a licensed dentist who has a federal Drug
 16 Enforcement Administration registration number register with the controlled substance
 17 prescription database under AS 17.30.200(o);

18 **(11) adopt regulations requiring a licensee to advise patients, using**
 19 **oral and written information, before prescribing an opioid, of the potential**
 20 **dangers of opioid addiction, and alternatives to the opioid prescription the**
 21 **provider considers reasonable; the board may determine which classes of**
 22 **patients may be reasonably exempted from the information requirement and**
 23 **may allow an exemption from the requirement for violations the board considers**
 24 **to be unintentional, periodic accidental violations, and for good cause, including**
 25 **when a licensee needs to attend to the perceived immediate health care of another**
 26 **patient.**

27 * **Sec. 3.** AS 08.64.101(a) is amended to read:

28 (a) The board shall

29 (1) except as provided in regulations adopted by the board under (b) of
 30 this section, examine and issue licenses to applicants;

31 (2) develop written guidelines to ensure that licensing requirements are

1 not unreasonably burdensome and the issuance of licenses is not unreasonably
2 withheld or delayed;

3 (3) after a hearing, impose disciplinary sanctions on persons who
4 violate this chapter or the regulations or orders of the board;

5 (4) adopt regulations ensuring that renewal of licenses is contingent on
6 proof of continued competency on the part of the licensee;

7 (5) under regulations adopted by the board, contract with private
8 professional organizations to establish an impaired medical professionals program to
9 identify, confront, evaluate, and treat persons licensed under this chapter who abuse
10 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

11 (6) adopt regulations that establish guidelines for a physician who is
12 rendering a diagnosis, providing treatment, or prescribing, dispensing, or
13 administering a prescription drug to a person without conducting a physical
14 examination under AS 08.64.364; the guidelines must include a nationally recognized
15 model policy for standards of care of a patient who is at a different location than the
16 physician;

17 (7) require that a licensee who has a federal Drug Enforcement
18 Administration registration number register with the controlled substance prescription
19 database under AS 17.30.200(o);

20 **(8) adopt regulations requiring a licensee to advise patients, using**
21 **oral and written information, before prescribing an opioid, of the potential**
22 **dangers of opioid addiction, and alternatives to the opioid prescription the**
23 **provider considers reasonable; the board may determine which classes of**
24 **patients may be reasonably exempted from the information requirement and**
25 **may allow an exemption from the requirement for violations the board considers**
26 **to be unintentional, periodic accidental violations, and for good cause, including**
27 **when a licensee needs to attend to the perceived immediate health care of another**
28 **patient.**

29 * Sec. 4. AS 08.68.100(a) is amended to read:

30 (a) The board shall

31 (1) adopt regulations necessary to implement this chapter, including

1 regulations

2 (A) pertaining to practice as an advanced practice registered
3 nurse, including requirements for an advanced practice registered nurse to
4 practice as a certified registered nurse anesthetist, certified clinical nurse
5 specialist, certified nurse practitioner, or certified nurse midwife; regulations
6 for an advanced practice registered nurse who holds a valid federal Drug
7 Enforcement Administration registration number must address training in pain
8 management and opioid use and addiction;

9 (B) necessary to implement AS 08.68.331 - 08.68.336 relating
10 to certified nurse aides in order to protect the health, safety, and welfare of
11 clients served by nurse aides;

12 (C) pertaining to retired nurse status; and

13 (D) establishing criteria for approval of practical nurse
14 education programs that are not accredited by a national nursing accrediting
15 body;

16 (2) approve curricula and adopt standards for basic education programs
17 that prepare persons for licensing under AS 08.68.190;

18 (3) provide for surveys of the basic nursing education programs in the
19 state at the times it considers necessary;

20 (4) approve education programs that meet the requirements of this
21 chapter and of the board, and deny, revoke, or suspend approval of education
22 programs for failure to meet the requirements;

23 (5) examine, license, and renew the licenses of qualified applicants;

24 (6) prescribe requirements for competence before a former registered,
25 advanced practice registered, or licensed practical nurse may resume the practice of
26 nursing under this chapter;

27 (7) define by regulation the qualifications and duties of the executive
28 administrator and delegate authority to the executive administrator that is necessary to
29 conduct board business;

30 (8) develop reasonable and uniform standards for nursing practice;

31 (9) publish advisory opinions regarding whether nursing practice

1 procedures or policies comply with acceptable standards of nursing practice as defined
2 under this chapter;

3 (10) require applicants under this chapter to submit fingerprints and the
4 fees required by the Department of Public Safety under AS 12.62.160 for criminal
5 justice information and a national criminal history record check; the department shall
6 submit the fingerprints and fees to the Department of Public Safety for a report of
7 criminal justice information under AS 12.62 and a national criminal history record
8 check under AS 12.62.400;

9 (11) require that a licensed advanced practice registered nurse who has
10 a federal Drug Enforcement Administration registration number register with the
11 controlled substance prescription database under AS 17.30.200(o);

12 **(12) adopt regulations requiring a licensee to advise patients, using**
13 **oral and written information, before prescribing an opioid, of the potential**
14 **dangers of opioid addiction, and alternatives to the opioid prescription the**
15 **provider considers reasonable; the board may determine which classes of**
16 **patients may be exempted from the information requirement and may allow an**
17 **exemption from the requirement for violations the board considers to be**
18 **unintentional, periodic accidental violations, and for good cause, including when**
19 **a licensee needs to attend to the perceived immediate health care of another**
20 **patient.**

21 * **Sec. 5.** AS 08.72.050 is amended to read:

22 **Sec. 08.72.050. Regulations.** The board shall adopt regulations

- 23 (1) necessary for the proper performance of its duties;
24 (2) governing the applicants and applications for licensing;
25 (3) for the licensing of optometrists;
26 (4) necessary to govern the practice of optometry, including the
27 prescription and use of pharmaceutical agents for the treatment of eye disease;
28 (5) prescribing requirements that a person licensed under this chapter
29 must meet to demonstrate continued professional competency;
30 (6) developing uniform standards for the practice of optometry;
31 **(7) requiring a licensee to advise patients, using oral and written**

1 information, before prescribing an opioid, of the potential dangers of opioid
 2 addiction and alternatives to the opioid prescription the provider considers
 3 reasonable; the board may determine which classes of patients may be exempted
 4 from the information requirement and may allow an exemption from the
 5 requirement for violations the board considers to be unintentional, periodic
 6 accidental violations, and for good cause, including when a licensee needs to
 7 attend to the perceived immediate health care of another patient.

8 * **Sec. 6.** AS 08.80.030(b) is amended to read:

9 (b) In order to fulfill its responsibilities, the board has the powers necessary
 10 for implementation and enforcement of this chapter, including the power to

11 (1) elect a president and secretary from its membership and adopt rules
 12 for the conduct of its business;

13 (2) license by examination or by license transfer the applicants who are
 14 qualified to engage in the practice of pharmacy;

15 (3) assist the department in inspections and investigations for
 16 violations of this chapter, or of any other state or federal statute relating to the practice
 17 of pharmacy;

18 (4) adopt regulations to carry out the purposes of this chapter;

19 (5) establish and enforce compliance with professional standards and
 20 rules of conduct for pharmacists engaged in the practice of pharmacy;

21 (6) determine standards for recognition and approval of degree
 22 programs of schools and colleges of pharmacy whose graduates shall be eligible for
 23 licensure in this state, including the specification and enforcement of requirements for
 24 practical training, including internships;

25 (7) establish for pharmacists and pharmacies minimum specifications
 26 for the physical facilities, technical equipment, personnel, and procedures for the
 27 storage, compounding, and dispensing of drugs or related devices, and for the
 28 monitoring of drug therapy;

29 (8) enforce the provisions of this chapter relating to the conduct or
 30 competence of pharmacists practicing in the state, and the suspension, revocation, or
 31 restriction of licenses to engage in the practice of pharmacy;

1 (9) license and regulate the training, qualifications, and employment of
2 pharmacy interns and pharmacy technicians;

3 (10) issue licenses to persons engaged in the manufacture and
4 distribution of drugs and related devices;

5 (11) establish and maintain a controlled substance prescription
6 database as provided in AS 17.30.200;

7 (12) establish standards for the independent administration by a
8 pharmacist of vaccines and related emergency medications under AS 08.80.168,
9 including the completion of an immunization training program approved by the board;

10 (13) establish standards for the independent dispensing by a
11 pharmacist of an opioid overdose drug under AS 17.20.085, including the completion
12 of an opioid overdose training program approved by the board;

13 (14) require that a licensed pharmacist register with the controlled
14 substance prescription database under AS 17.30.200(o);

15 (15) establish the qualifications and duties of the executive
16 administrator and delegate authority to the executive administrator that is necessary to
17 conduct board business;

18 (16) license and inspect the facilities of wholesale drug distributors,
19 third-party logistics providers, and outsourcing facilities located outside the state
20 under AS 08.80.159;

21 **(17) adopt regulations requiring a licensee to advise patients, using**
22 **oral and written information, before prescribing an opioid, of the potential**
23 **dangers of opioid addiction, and alternatives to the opioid prescription the**
24 **provider considers reasonable; the board may determine which classes of**
25 **patients may be reasonably exempted from the information requirement and**
26 **may allow an exemption from the requirement for violations the board considers**
27 **to be unintentional, periodic accidental violations, and for good cause, including**
28 **when a licensee needs to attend to the perceived immediate health care of another**
29 **patient.**

30 * Sec. 7. AS 47.37.040 is amended by adding a new paragraph to read:

31 (24) post on the department's Internet website, and provide access to a

1 printable version of, a written statement, which may include graphics, that provides
2 easily understandable information on opioids, including the potentially addictive and
3 harmful qualities of opioids.