

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 46
SENATE BILL 1370

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3219; AMENDING SECTIONS 36-2601, 36-2604 AND 36-2606, ARIZONA REVISED STATUTES; REPEALING SECTION 36-2611, ARIZONA REVISED STATUTES; RELATING TO THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised Statutes,
3 is amended by adding section 32-3219, to read:

4 32-3219. Licensure; renewal; notification; definitions

5 A. A MEDICAL PRACTITIONER REGULATORY BOARD SHALL NOTIFY THE ARIZONA
6 STATE BOARD OF PHARMACY ONCE EACH MONTH OF ANY INITIAL LICENSURES FOR MEDICAL
7 PRACTITIONERS WHO INTEND TO APPLY FOR REGISTRATION UNDER THE CONTROLLED
8 SUBSTANCES ACT (21 UNITED STATES CODE SECTIONS 801 THROUGH 904) AND LICENSURE
9 RENEWALS FOR MEDICAL PRACTITIONERS WHO HOLD ACTIVE LICENSES IN THIS STATE FOR
10 THE PURPOSE OF REGISTERING THE MEDICAL PRACTITIONER AND PROVIDING THE PERSON
11 ACCESS TO THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM DATABASE.
12 THE MEDICAL PRACTITIONER REGULATORY BOARD SHALL PROVIDE TO THE ARIZONA STATE
13 BOARD OF PHARMACY ANY INFORMATION NECESSARY TO REGISTER AND PROVIDE ACCESS TO
14 THE MEDICAL PRACTITIONER. THE MEDICAL PRACTITIONER REGULATORY BOARD SHALL
15 NOTIFY EACH MEDICAL PRACTITIONER RECEIVING AN INITIAL LICENSE WHO INTENDS TO
16 APPLY FOR REGISTRATION UNDER THE CONTROLLED SUBSTANCES ACT (21 UNITED STATES
17 CODE SECTIONS 801 THROUGH 904) OF THE PERSON'S RESPONSIBILITY TO REGISTER
18 WITH THE ARIZONA STATE BOARD OF PHARMACY AND BE GRANTED ACCESS TO THE
19 PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM.

20 B. FOR THE PURPOSES OF THIS SECTION:

21 1. "MEDICAL PRACTITIONER" MEANS ANY PERSON WHO IS LICENSED AND
22 AUTHORIZED BY LAW TO USE AND PRESCRIBE DRUGS AND DEVICES FOR THE TREATMENT OF
23 SICK AND INJURED HUMAN BEINGS OR FOR THE DIAGNOSIS OR PREVENTION OF SICKNESS
24 IN HUMAN BEINGS IN THIS STATE OR ANY STATE, TERRITORY OR DISTRICT OF THE
25 UNITED STATES AND WHO POSSESSES AN ARIZONA REGISTRATION UNDER THE CONTROLLED
26 SUBSTANCES ACT (21 UNITED STATES CODE SECTIONS 801 THROUGH 904).

27 2. "MEDICAL PRACTITIONER REGULATORY BOARD" MEANS ANY BOARD ESTABLISHED
28 PURSUANT TO TITLE 32, CHAPTER 7, 11, 13, 14, 15, 16, 17, 25 OR 29 THAT
29 REGULATES ONE OR MORE MEDICAL PRACTITIONERS IN THIS STATE.

30 Sec. 2. Section 36-2601, Arizona Revised Statutes, is amended to read:

31 36-2601. Definitions

32 In this article, unless the context otherwise requires:

33 1. "Board" means the Arizona state board of pharmacy or its designee.

34 2. "Dispenser" means a medical practitioner or pharmacy that is
35 authorized to dispense controlled substances.

36 3. "Licensed health care provider" means a person who is licensed
37 pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, 19.1, ~~21~~, 25, 29
38 or 33.

39 4. "Medical practitioner" ~~has the same meaning prescribed in section~~
40 ~~32-1901~~ MEANS ANY PERSON WHO IS LICENSED AND AUTHORIZED BY LAW TO USE AND
41 PRESCRIBE DRUGS AND DEVICES FOR THE TREATMENT OF SICK AND INJURED HUMAN
42 BEINGS OR FOR THE DIAGNOSIS OR PREVENTION OF SICKNESS IN HUMAN BEINGS IN THIS
43 STATE OR ANY STATE, TERRITORY OR DISTRICT OF THE UNITED STATES.

44 5. "Person" means an individual, partnership, corporation or
45 association and the person's duly authorized agents.

1 6. "Program" means the controlled substances prescription monitoring
2 program.

3 Sec. 3. Section 36-2604, Arizona Revised Statutes, is amended to read:
4 36-2604. Use and release of confidential information:
5 definition

6 A. Except as otherwise provided in this section, prescription
7 information submitted to the board pursuant to this article is confidential
8 and is not subject to public inspection. The board shall establish
9 procedures to ensure the privacy and confidentiality of patients and that
10 patient information that is collected, recorded and transmitted pursuant to
11 this article is not disclosed except as prescribed in this section.

12 B. The board or its designee shall review the prescription information
13 collected pursuant to this article. If the board or its designee has reason
14 to believe an act of unprofessional or illegal conduct has occurred, the
15 board or its designee shall notify the appropriate professional licensing
16 board or law enforcement or criminal justice agency and provide the
17 prescription information required for an investigation.

18 C. The board may release data collected by the program to the
19 following:

20 1. A person who is authorized to prescribe or dispense a controlled
21 substance, or a delegate who is authorized by the prescriber or dispenser, to
22 assist that person to provide medical or pharmaceutical care to a patient or
23 to evaluate a patient.

24 2. An individual who requests the individual's own prescription
25 monitoring information pursuant to section 12-2293.

26 3. A ~~professional licensing~~ MEDICAL PRACTITIONER REGULATORY board
27 established pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, ~~21~~,
28 25 or 29. Except as required pursuant to subsection B of this section, the
29 board shall provide this information only if the requesting board states in
30 writing that the information is necessary for an open investigation or
31 complaint.

32 4. A local, state or federal law enforcement or criminal justice
33 agency. Except as required pursuant to subsection B of this section, the
34 board shall provide this information only if the requesting agency states in
35 writing that the information is necessary for an open investigation or
36 complaint.

37 5. The Arizona health care cost containment system administration
38 regarding persons who are receiving services pursuant to chapter 29 of this
39 title. Except as required pursuant to subsection B of this section, the
40 board shall provide this information only if the administration states in
41 writing that the information is necessary for an open investigation or
42 complaint.

43 6. A person who is serving a lawful order of a court of competent
44 jurisdiction.

1 7. A person who is authorized to prescribe or dispense a controlled
2 substance and who performs an evaluation on an individual pursuant to section
3 23-1026.

4 8. A COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER WHO IS
5 DIRECTING AN INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING A DEATH AS
6 DESCRIBED IN SECTION 11-593 OR A DELEGATE WHO IS AUTHORIZED BY THE COUNTY
7 MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER.

8 D. The board may provide data to public or private entities for
9 statistical, research or educational purposes after removing information that
10 could be used to identify individual patients or persons who received
11 prescriptions from dispensers.

12 E. For the purposes of this section, "delegate" means ANY OF THE
13 FOLLOWING:

14 1. A licensed health care professional who is employed in the office
15 of or in a hospital with the prescriber or dispenser. ~~or~~

16 2. An unlicensed medical records technician, medical assistant or
17 office manager who is employed in the office of or in a hospital with the
18 prescriber OR DISPENSER and who has received training regarding both the
19 health insurance portability and accountability act privacy standards,
20 45 Code of Federal Regulations part 164, subpart E, and security standards,
21 45 Code of Federal Regulations part 164, subpart C.

22 3. A FORENSIC PATHOLOGIST, MEDICAL DEATH INVESTIGATOR OR OTHER
23 QUALIFIED PERSON WHO IS ASSIGNED DUTIES IN CONNECTION WITH A DEATH
24 INVESTIGATION PURSUANT TO SECTION 11-594.

25 Sec. 4. Section 36-2606, Arizona Revised Statutes, is amended to read:
26 36-2606. Registration; access; renewal; requirements

27 A. Beginning November 1, 2007 and pursuant to rules adopted by the
28 board, each medical practitioner who is issued a license pursuant to title 32
29 and who possesses ~~a~~ AN ARIZONA registration under the ~~federal~~ controlled
30 substances act (21 UNITED STATES CODE SECTIONS 801 THROUGH 904) must have a
31 current controlled substances prescription monitoring program registration
32 issued by the board AND BE GRANTED ACCESS TO THE PROGRAM'S CENTRAL DATABASE
33 TRACKING SYSTEM. THE ARIZONA STATE BOARD OF PHARMACY, ON RECEIPT OF
34 LICENSURE AND LICENSE RENEWAL CONFIRMATION FROM A MEDICAL PRACTITIONER
35 REGULATORY BOARD ESTABLISHED PURSUANT TO TITLE 32, CHAPTER 7, 11, 13, 14, 15,
36 16, 17, 25 OR 29, SHALL REGISTER EACH MEDICAL PRACTITIONER WHO POSSESSES AN
37 ARIZONA REGISTRATION UNDER THE CONTROLLED SUBSTANCES ACT (21 UNITED STATES
38 CODE SECTIONS 801 THROUGH 904) AND PROVIDE THE MEDICAL PRACTITIONER ACCESS TO
39 THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM. THE ARIZONA STATE BOARD OF
40 PHARMACY SHALL NOTIFY EACH MEDICAL PRACTITIONER OF THE PERSON'S REGISTRATION
41 AND ACCESS TO THE DATABASE TRACKING SYSTEM AND HOW TO USE THE SYSTEM. THE
42 ARIZONA STATE BOARD OF PHARMACY SHALL NOTIFY EACH MEDICAL PRACTITIONER
43 RECEIVING AN INITIAL LICENSE WHO INTENDS TO APPLY FOR REGISTRATION UNDER THE
44 CONTROLLED SUBSTANCES ACT (21 UNITED STATES CODE SECTIONS 801 THROUGH 904) OF
45 THE PERSON'S RESPONSIBILITY AND THE PROCESS TO REGISTER WITH THE ARIZONA

1 STATE BOARD OF PHARMACY AND BE GRANTED ACCESS TO THE PROGRAM'S CENTRAL
2 DATABASE TRACKING SYSTEM.

3 B. The registration is:

4 1. UNTIL JANUARY 1, 2020, subject to biennial renewal as specified in
5 this article, EXCEPT FOR MEDICAL PRACTITIONERS WHOSE REGISTRATION AND RENEWAL
6 ARE PROVIDED PURSUANT TO SUBSECTION A OF THIS SECTION.

7 2. Not transferable or assignable.

8 3. Valid only in conjunction with a valid license issued by a
9 ~~professional licensing~~ MEDICAL PRACTITIONER REGULATORY board established
10 pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, ~~21~~, 25 or 29.

11 ~~B.~~ C. An applicant for registration pursuant to this section must
12 submit an application as prescribed by the board UNLESS THE MEDICAL
13 PRACTITIONER'S REGISTRATION AND RENEWAL ARE PROVIDED PURSUANT TO SUBSECTION A
14 OF THIS SECTION.

15 ~~C.~~ D. UNTIL JANUARY 1, 2020, the board shall assign all persons
16 registered under this article to one of two registration renewal groups. The
17 holder of a registration ending in an even number must renew the registration
18 biennially on or before May 1 of the next even-numbered year. The holder of
19 a registration ending in an odd number must renew the registration biennially
20 on or before May 1 of the next odd-numbered year. The board shall
21 automatically suspend the registration of any registrant who fails to renew
22 the registration on or before May 1 of the year in which the renewal is due.
23 The board shall vacate a suspension if the registrant submits a renewal
24 application. A suspended registrant is prohibited from accessing information
25 in the prescription monitoring program database tracking system. THIS
26 SUBSECTION DOES NOT APPLY TO MEDICAL PRACTITIONERS WHOSE REGISTRATION AND
27 RENEWAL ARE PROVIDED PURSUANT TO SUBSECTION A OF THIS SECTION.

28 ~~D.~~ E. A registrant shall not apply for registration renewal more than
29 sixty days before the expiration date of the registration.

30 ~~E.~~ F. An applicant for registration renewal pursuant to this section
31 must submit a renewal application prescribed by the board by rule UNLESS THE
32 MEDICAL PRACTITIONER'S REGISTRATION AND RENEWAL ARE PROVIDED PURSUANT TO
33 SUBSECTION A OF THIS SECTION.

34 ~~F.~~ G. Pursuant to a fee prescribed by the board by rule, the board
35 may issue a replacement registration to a registrant who requests a
36 replacement because the original was damaged or destroyed, because of a
37 change of name or for any other good cause as prescribed by the board.

38 Sec. 5. Repeal

39 Section 36-2611, Arizona Revised Statutes, is repealed.

40 Sec. 6. Controlled substances prescription monitoring program;
41 central database tracking system; utilization; report

42 On or before July 1, 2016 and for two years following that date, the
43 Arizona state board of pharmacy shall report the change in registration for
44 and access to the controlled substances prescription monitoring program's
45 central database tracking system. The report shall also include statistical
46 data regarding the change in utilization of the tracking system by the type

1 of licensed medical practitioner from January 1, 2016 to the date of the
2 report and any relevant information and data from the Arizona prescription
3 drug misuse and abuse initiative being conducted by the Arizona criminal
4 justice commission. The board shall deliver the report to the president of
5 the senate, the speaker of the house of representatives and the governor and
6 shall provide a copy to the secretary of state.

7 Sec. 7. Effective date

8 This act is effective from and after December 31, 2015.

APPROVED BY THE GOVERNOR MARCH 23, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2015.