

Senate Engrossed House Bill

~~telecommunications fund; report; posting~~
(now: patient utilization report; definition)

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 264

HOUSE BILL 2541

AN ACT

AMENDING SECTIONS 36-2601 AND 36-2606, ARIZONA REVISED STATUTES; RELATING
TO THE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-2601, Arizona Revised Statutes, is amended to
3 read:

4 36-2601. Definitions

5 In this article, unless the context otherwise requires:

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

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

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

13 4. "Medical practitioner" means any person who is licensed and
14 authorized by law to use and prescribe drugs and devices ~~for the treatment~~
15 ~~of TO TREAT~~ sick and injured human beings or ~~for the diagnosis TO DIAGNOSE~~
16 or ~~prevention of PREVENT~~ sickness in human beings in this state or any
17 state, territory or district of the United States.

18 5. "PATIENT UTILIZATION REPORT" MEANS ALL OF THE FOLLOWING
19 INFORMATION ABOUT A PATIENT THAT IS COMPILED BY THE PROGRAM AND DISCLOSED
20 PURSUANT TO SECTION 36-2606:

21 (a) CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM DATA.

22 (b) CLINICAL ALERTS AND OTHER REQUIRED ALERTS OR INDICATORS.

23 ~~5.~~ 6. "Person" means an individual, partnership, corporation or
24 association and the person's duly authorized agents.

25 ~~6.~~ 7. "Program" means the controlled substances prescription
26 monitoring program.

27 Sec. 2. Section 36-2606, Arizona Revised Statutes, is amended to
28 read:

29 36-2606. Registration; access; requirements; mandatory use;
30 annual user satisfaction survey; report;
31 definitions

32 A. A medical practitioner regulatory board shall notify each
33 medical practitioner who receives an initial or renewal license and who
34 intends to apply for registration or has an active registration under the
35 controlled substances act (21 United States Code sections 801 through 904)
36 of the medical practitioner's responsibility to register with the Arizona
37 state board of pharmacy and be granted access to the controlled substances
38 prescription monitoring program's central database tracking system. The
39 Arizona state board of pharmacy shall provide access to the central
40 database tracking system to each medical practitioner who has a valid
41 license pursuant to title 32 and who possesses an Arizona registration
42 under the controlled substances act (21 United States Code sections 801
43 through 904). The Arizona state board of pharmacy shall notify each
44 pharmacist of the pharmacist's responsibility to register with the Arizona
45 state board of pharmacy and be granted access to the controlled substances

1 prescription monitoring program's central database tracking system. The
2 Arizona state board of pharmacy shall provide access to the central
3 database tracking system to each pharmacist who has a valid license
4 pursuant to title 32, chapter 18 and who is employed by a facility that
5 has a valid United States drug enforcement administration registration
6 number.

7 B. The registration is:

8 1. Valid in conjunction with a valid United States drug enforcement
9 administration registration number and a valid license issued by a medical
10 practitioner regulatory board established pursuant to title 32, chapter 7,
11 11, 13, 14, 15, 16, 17, 25 or 29.

12 2. Valid in conjunction with a valid license issued by the Arizona
13 state board of pharmacy for a pharmacist who is employed by a facility
14 that has a valid United States drug enforcement administration
15 registration number.

16 3. Not transferable or assignable.

17 C. An applicant for registration pursuant to this section must
18 ~~submit an application~~ APPLY as prescribed by the board.

19 D. Pursuant to a fee prescribed by the board by rule, the board may
20 issue a replacement registration to a registrant who requests a
21 replacement because the original was damaged or destroyed, because of a
22 change of name or for any other good cause as prescribed by the board.

23 E. A person who is authorized to access the controlled substances
24 prescription monitoring program's central database tracking system may do
25 so using only that person's assigned identifier and may not use the
26 assigned identifier of another person.

27 F. Beginning the later of October 1, 2017 or sixty days after the
28 statewide health information exchange has integrated the controlled
29 substances prescription monitoring program data into the exchange, a
30 medical practitioner, before prescribing an opioid analgesic or
31 benzodiazepine controlled substance listed in schedule II, III or IV for a
32 patient, shall obtain a patient utilization report regarding the patient
33 for the preceding twelve months from the controlled substances
34 prescription monitoring program's central database tracking system at the
35 beginning of each new course of treatment and at least quarterly while
36 that prescription remains a part of the treatment. Each medical
37 practitioner regulatory board shall notify the medical practitioners
38 licensed by that board of the applicable date. A medical practitioner may
39 be granted a one-year waiver from the requirement in this subsection due
40 to technological limitations that are not reasonably within the control of
41 the practitioner or other exceptional circumstances demonstrated by the
42 practitioner, pursuant to a process established by rule by the Arizona
43 state board of pharmacy.

44 G. Before a pharmacist dispenses or before a pharmacy technician or
45 pharmacy intern of a remote dispensing site pharmacy dispenses a schedule

1 II controlled substance, a dispenser shall obtain a patient utilization
2 report regarding the patient for the preceding twelve months from the
3 controlled substances prescription monitoring program's central database
4 tracking system at the beginning of each new course of treatment. ~~The~~
5 ~~Arizona state board of pharmacy shall establish a process to provide to a~~
6 ~~dispenser a waiver for up to one year after the effective date of this~~
7 ~~amendment to this section from the requirement in this subsection due to~~
8 ~~technological limitations that are not reasonably within the control of~~
9 ~~the dispenser or other exceptional circumstances as demonstrated by the~~
10 ~~dispenser.~~

11 H. The medical practitioner or dispenser is not required to obtain
12 a patient utilization report from the central database tracking system
13 pursuant to subsection F of this section if any of the following applies:

14 1. The patient is receiving hospice care or palliative care for a
15 serious or chronic illness.

16 2. The patient is receiving care for cancer, a cancer-related
17 illness or condition or dialysis treatment.

18 3. A medical practitioner will administer the controlled substance.

19 4. The patient is receiving the controlled substance during the
20 course of inpatient or residential treatment in a hospital, nursing care
21 facility, assisted living facility, correctional facility or mental health
22 facility.

23 5. The medical practitioner is prescribing the controlled substance
24 to the patient for ~~no~~ NOT more than a five-day period for an invasive
25 medical or dental procedure or a medical or dental procedure that results
26 in acute pain to the patient.

27 6. The medical practitioner is prescribing the controlled substance
28 to the patient for ~~no~~ NOT more than a five-day period for a patient who
29 has suffered an acute injury or a medical or dental disease process that
30 is diagnosed in an emergency department setting and that results in acute
31 pain to the patient. An acute injury or medical disease process does not
32 include back pain.

33 I. If a medical practitioner or dispenser uses electronic medical
34 records that integrate data from the controlled substances prescription
35 monitoring program, a review of the electronic medical records with the
36 integrated data shall be deemed compliant with the review of the program's
37 central database tracking system as required in subsection F of this
38 section.

39 J. The board shall promote and enter into data sharing agreements
40 ~~for the purpose of integrating the controlled substances prescription~~
41 ~~monitoring program into~~ TO INTEGRATE AND DISPLAY PATIENT UTILIZATION
42 REPORTS WITHIN electronic medical records.

43 K. By complying with this section, a medical practitioner or
44 dispenser acting in good faith, or the medical practitioner's or

1 dispenser's employer, is not subject to liability or disciplinary action
2 arising solely from either:

3 1. Requesting or receiving, or failing to request or receive,
4 prescription monitoring data from the program's central database tracking
5 system.

6 2. Acting or failing to act on the basis of the prescription
7 monitoring data provided by the program's central database tracking
8 system.

9 L. Notwithstanding any provision of this section to the contrary,
10 medical practitioners or dispensers and their delegates are not in
11 violation of this section during any time period in which the controlled
12 substances prescription monitoring program's central database tracking
13 system is suspended or is not operational or available in a timely manner.
14 If the program's central database tracking system is not accessible, the
15 medical practitioner or dispenser or the medical practitioner's or
16 dispenser's delegate shall document the date and time the practitioner,
17 dispenser or delegate attempted to use the central database tracking
18 system pursuant to a process established by board rule.

19 M. The board shall conduct an annual voluntary survey of program
20 users to assess user satisfaction with the program's central database
21 tracking system. The survey may be conducted electronically. On or
22 before December 1 of each year, the board shall provide a report of the
23 survey results to the president of the senate, the speaker of the house of
24 representatives and the governor and shall provide a copy of this report
25 to the secretary of state.

26 N. This section does not prohibit a medical practitioner regulatory
27 board or the Arizona state board of pharmacy from obtaining and using
28 information from the program's central database tracking system.

29 O. For the purposes of this section:

30 1. "Dispenser" means a pharmacist who is licensed pursuant to title
31 32, chapter 18.

32 2. "Emergency department" means the unit within a hospital that is
33 designed ~~for the provision of~~ TO PROVIDE emergency services.

APPROVED BY THE GOVERNOR APRIL 20, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2021.