

1 **OPIOID ABUSE PREVENTION AND TREATMENT**

2 **AMENDMENTS**

3 2017 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Steve Eliason**

6 Senate Sponsor: Brian E. Shiozawa

7

8 **LONG TITLE**

9 **General Description:**

10 This bill requires controlled substance prescribers to receive training in a nationally
11 recognized opioid abuse screening method and requires reimbursement for the
12 screening services.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ requires controlled substance prescribers to receive training in a nationally
- 16 recognized opioid abuse screening method;
- 17 ▶ permits controlled substance prescribers to fulfill continuing education requirements
- 18 through training in the screening method;
- 19 ▶ permits controlled substance prescribers who receive a DATA 2000 waiver to use
- 20 the waiver to fulfill certain continuing education requirements;
- 21 ▶ requires Medicaid reimbursement to health care providers for screening services;
- 22 ▶ requires the Public Employees' Benefit and Insurance Program to reimburse health
- 23 care providers for screening services; and
- 24 ▶ makes technical changes.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **58-37-6.5**, as repealed and reenacted by Laws of Utah 2013, Chapter 450

32 ENACTS:

33 **26-18-21**, Utah Code Annotated 1953

34 **49-20-414**, Utah Code Annotated 1953

35

36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **26-18-21** is enacted to read:

38 **26-18-21. Screening, Brief Intervention, and Referral to Treatment Medicaid**
39 **reimbursement.**

40 (1) As used in this section:

41 (a) "Controlled substance prescriber" means a controlled substance prescriber, as that
42 term is defined in Section 58-37-6.5, who:

43 (i) has a record of having completed SBIRT training, in accordance with Subsection
44 58-37-6.5(2), before providing the SBIRT services; and

45 (ii) is a Medicaid enrolled health care provider.

46 (b) "SBIRT" means the same as that term is defined in Section 58-37-6.5.

47 (2) The department shall reimburse a controlled substance prescriber who provides
48 SBIRT services to a Medicaid enrollee who is 13 years of age or older for the SBIRT services.

49 Section 2. Section **49-20-414** is enacted to read:

50 **49-20-414. Screening, Brief Intervention, and Referral to Treatment program**
51 **reimbursement.**

52 (1) As used in this section:

53 (a) "Controlled substance prescriber" means a controlled substance prescriber, as that
54 term is defined in Section 58-37-6.5, who:

55 (i) has a record of having completed SBIRT training, in accordance with Subsection
56 58-37-6.5(2), before providing the SBIRT services; and

57 (ii) is a program enrolled controlled substance prescriber.

58 (b) "SBIRT" means the same as that term is defined in Section 58-37-6.5.

59 (2) The health program offered to the state employee risk pool under Section
60 49-20-202 shall reimburse a controlled substance prescriber who provides SBIRT services to a
61 covered individual who is 13 years of age or older for the SBIRT services.

62 Section 3. Section **58-37-6.5** is amended to read:

63 **58-37-6.5. Continuing education for controlled substance prescribers.**

64 (1) For the purposes of this section:

65 (a) "Controlled substance prescriber" means an individual, other than a veterinarian,
66 who:

67 (i) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
68 Controlled Substances Act; and

69 (ii) possesses the authority, in accordance with the individual's scope of practice, to
70 prescribe schedule II controlled substances and schedule III controlled substances that are
71 applicable to opioid narcotics, hypnotic depressants, or psychostimulants.

72 **(b) "D.O." means an osteopathic physician and surgeon licensed under Title 58,**
73 **Chapter 68, Utah Osteopathic Medical Practice Act.**

74 ~~[(b)]~~ (c) "FDA" means the United States Food and Drug Administration.

75 ~~[(c)]~~ (d) "M.D." means a physician and surgeon licensed under Title 58, Chapter 67,
76 Utah Medical Practice Act.

77 ~~[(d) "D.O." means an osteopathic physician and surgeon licensed under Title 58,~~
78 ~~Chapter 68, Utah Osteopathic Medical Practice Act.]~~

79 **(e) "SBIRT" means the Screening, Brief Intervention, and Referral to Treatment**
80 **approach used by the federal Substance Abuse and Mental Health Services Administration or**
81 **defined by the division, in consultation with the Division of Substance Abuse and Mental**
82 **Health, by administrative rule, in accordance with Title 63G, Chapter 3, Utah Administrative**
83 **Rulemaking Act.**

84 (2) (a) Beginning with the licensing period that begins after January 1, 2014, as a
85 condition precedent for license renewal, each controlled substance prescriber shall complete at
86 least four continuing education hours per licensing period that satisfy the requirements of
87 Subsections (3) and (4).

88 **(b) (i) Beginning with the licensing period that begins after January 1, 2024, as a**
89 **condition precedent for license renewal, each controlled substance prescriber shall complete at**

90 least 3.5 continuing education hours in an SBIRT-training class that satisfies the requirements
91 of Subsection (5).

92 (ii) Completion of the SBIRT-training class, in compliance with Subsection (2)(b)(i),
93 fulfills the continuing education hours requirement in Subsection (4) for the licensing period in
94 which the class was completed.

95 (iii) A controlled substance prescriber:

96 (A) need only take the SBIRT-training class once during the controlled substance
97 prescriber's licensure in the state; and

98 (B) shall provide a completion record of the SBIRT-training class in order to be
99 reimbursed for SBIRT services to patients, in accordance with Section [26-18-21](#) and Section
100 [49-20-414](#).

101 (3) As provided in Subsection [58-37f-402\(8\)](#), the online tutorial and passing the online
102 test described in Section [58-37f-402](#) shall count as 1/2 hour of continuing professional
103 education under Subsection (2) per licensing period.

104 (4) A controlled substance prescriber shall complete at least 3.5 hours of continuing
105 education [~~hours~~] in one or more controlled substance prescribing classes, except dentists who
106 shall complete at least [~~2-such~~] two hours, that satisfy the requirements of Subsections (5) and
107 (7).

108 (5) A controlled substance prescribing class shall:

109 (a) satisfy the division's requirements for the continuing education required for the
110 renewal of the controlled substance prescriber's respective license type;

111 (b) be delivered by an accredited or approved continuing education provider
112 recognized by the division as offering continuing education appropriate for the controlled
113 substance prescriber's respective license type; and

114 (c) include a postcourse knowledge assessment.

115 (6) An M.D. or D.O. completing continuing professional education hours under
116 Subsection (4) shall complete those hours in classes that qualify for the American Medical
117 Association Physician's Recognition Award Category 1 Credit.

118 (7) The 3.5 hours of the controlled substance prescribing classes under Subsection (4)
119 shall include educational content covering the following:

120 (a) the scope of the controlled substance abuse problem in Utah and the nation;

121 (b) all elements of the FDA Blueprint for Prescriber Education under the FDA's
122 Extended-Release and Long-Acting Opioid Analgesics Risk Evaluation and Mitigation
123 Strategy, as published July 9, 2012, or as it may be subsequently revised;

124 (c) the national and Utah-specific resources available to prescribers to assist in
125 appropriate controlled substance and opioid prescribing;

126 (d) patient record documentation for controlled substance and opioid prescribing; and

127 (e) office policies, procedures, and implementation.

128 (8) (a) The division, in consultation with the Utah Medical Association Foundation,
129 shall determine whether a particular controlled substance prescribing class satisfies the
130 educational content requirements of Subsections (5) and (7) for an M.D. or D.O.

131 (b) The division, in consultation with the applicable professional licensing boards,
132 shall determine whether a particular controlled substance prescribing class satisfies the
133 educational content requirements of Subsections (5) and (7) for a controlled substance
134 prescriber other than an M.D. or D.O.

135 (c) The division may by rule establish a committee that may audit compliance with the
136 Utah Risk Evaluation and Mitigation Strategy (REMS) Educational Programming Project
137 grant, that satisfies the educational content requirements of Subsections (5) and (7) for a
138 controlled substance prescriber.

139 (9) A controlled substance prescribing class required under this section:

140 (a) may be held:

141 (i) in conjunction with other continuing professional education programs; and

142 (ii) online; and

143 (b) does not increase the total number of state-required continuing professional
144 education hours required for prescriber licensing.

145 (10) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah
146 Administrative Rulemaking Act, to implement this section.

147 (11) A controlled substance prescriber who, on or after July 1, 2017, obtains a waiver
148 to treat opioid dependency with narcotic medications, in accordance with the Drug Addiction
149 Treatment Act of 2000, 21 U.S.C. Sec. 823 et seq., may use the waiver to satisfy the 3.5 hours
150 of the continuing education requirement under Subsection (4) for two consecutive licensing
151 periods.

Legislative Review Note
Office of Legislative Research and General Counsel