

APA-1
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-7-2-.13

Rule Title Access to Database

 New XXX Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer Patricia Blue Date 8/20/2014

**FORM APA2
11/96**

**STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-7-2-.13, Access to Database

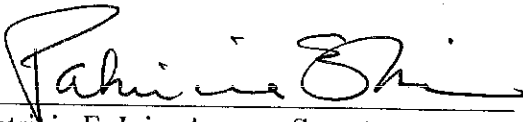
INTENDED ACTION: Amendment to Rule 420-7-2-.13.

SUBSTANCE OF PROPOSED ACTION: This update will reflect changes that clarify access to the database by Nurse Practitioners, Physician Assistants, Certified Nurse Midwives, Pharmacists, Physicians, and Law Enforcement. These wording changes will streamline access for those participants.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held at 9:00 a.m. on September 12, 2014, at the Alabama Department of Public Health, RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on October 05, 2014. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Charlie Thomas, State Pharmacy Director, Department of Public Health, 201 Monroe Street, Suite 1010, Montgomery, Alabama 36104. Telephone number (334) 206-5666.


Patricia E. Ivie, Agency Secretary

420-7-2-.13 Access To Database.

~~(1) Licensing boards shall have access to the Prescription Drug Database concerning their licensees according to procedures developed by ADPH Bureau of Information Services, Computer Systems Center.~~

(1) Subject to the limitations provided in Section 20-2-214 of the Code of Alabama 1975, the following persons and entities may access the Prescription Drug Monitoring Program database:

(a) Authorized representatives of the certifying boards;

(b) Licensed practitioners who have the authority to prescribe, dispense, or administer controlled substances;

(c) Designated employees of a licensed physician if the physician has the authority to prescribe, dispense, or administer controlled substances;

(d) Licensed certified registered nurse practitioners, licensed certified nurse midwives, and licensed assistants to physicians who are authorized to prescribe, dispense, or administer controlled substances pursuant to a Qualified Alabama Controlled Substance Registration Certificate;

(e) Licensed pharmacists;

(f) Federal and Alabama law enforcement authorities;

(g) Authorized representatives of the Alabama Medicaid Agency; and

(h) Other persons listed in Section 20-2-214 of the Code of Alabama 1975.

~~(2) Law enforcement agencies authorities shall pre-register with the Prescription Drug Monitoring Program to receive an ID and password to access a request form. Law enforcement agencies will To request a report from the Prescription Drug Monitoring Program, on an individual or health care licensee and will certify that requested information is pursuant to an active investigation law enforcement authorities shall:~~

(a) Identify the specific individual or health care licensee that is the subject of the request;

(b) Certify that the request is pursuant to an active investigation; and

(c) Declare that probable cause exists for the use of the requested information.

~~(3) Licensed practitioners as specified in §20-2-211(6); physicians, dentists, podiatrists, optometrists, veterinarians or pharmacists approved to prescribe, dispense, or administer controlled substances shall have access to the Prescription Drug Database concerning a current~~

or prospective patient according to procedures developed by ADPH Bureau of Information Services, Computer Systems Center.