

SENATE FILE NO. SF0047

Controlled substances education and administration.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to controlled substances; providing for
2 specified boards regulating health care practitioners to
3 require continuing education related to controlled
4 substances; requiring electronic prescriptions for controlled
5 substances; requiring practitioners to search the controlled
6 substance prescription tracking program; exempting
7 veterinarians from required use of the program; authorizing
8 exceptions; requiring the state board of pharmacy to provide
9 specified information from the prescription tracking program
10 to providers and dispensers; and providing for an effective
11 date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

1 **Section 1.** W.S. 33-9-107, 33-15-109(c), 33-21-129 by
2 creating a new subsection (e), 33-23-114,
3 33-24-121(d)(intro), 33-26-202(b)(xiv), 33-30-211(e),
4 35-7-1030(a), (c) and by creating a new subsection (e) and
5 35-7-1060(b) and (c)(i) are amended to read:

6

7 **33-9-107. Licensing matters.**

8

9 A license issued under W.S. 33-9-101 through 33-9-114 shall
10 be designated a "registered podiatrist's license" and may not
11 contain any abbreviations thereof nor any other designation
12 or title except that a statement of limitation shall be
13 contained in the license referring to the licensee as a
14 "registered podiatrist - practice limited to the foot and
15 ankle", so as not to mislead the public with respect to their
16 right to treat other portions of the body. A renewal license
17 fee in an amount established by the board pursuant to W.S.
18 33-1-201 shall be due to the board annually on July 1 each
19 year, and if not paid within three (3) months the license
20 shall be revoked and may be reissued only upon an additional
21 application and payment of a fee in an amount established by
22 the board pursuant to W.S. 33-1-201. Application for renewal
23 shall be accompanied by evidence satisfactory to the board of

1 compliance with participation in continuing education
2 activities as established by rules and regulations of the
3 board. In addition to any other continuing education
4 requirements under this section, the board shall require
5 three (3) hours of continuing education related to the
6 responsible prescribing of controlled substances every two
7 (2) years. The board may waive the continuing education
8 requirement for the first renewal of a license. Licenses
9 shall be conspicuously displayed by podiatrists at their
10 offices or other places of practice.

11
12 **33-15-109. Renewal license certificate.**

13
14 (c) The board may set continuing education requirements
15 for renewal certificates and relicensure certificates. In
16 addition to any other continuing education requirements under
17 this subsection, the board shall require three (3) hours of
18 continuing education related to the responsible prescribing
19 of controlled substances every two (2) years.

20
21 **33-21-129. Renewal of licenses or certificates.**

1 (e) For licensees who have prescriptive authority, in
2 addition to any other qualifications for renewal of licenses
3 under this section, the board shall require three (3) hours
4 of continuing education related to the responsible
5 prescribing of controlled substances or treatment of
6 substance abuse disorders every two (2) years.

7
8 **33-23-114. Continuing education courses required.**
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10 All optometrists shall take courses of study in subjects
11 relating to the practice of the profession of optometry for
12 the utilization and application of new techniques, scientific
13 and clinical advances, and achievements of research which
14 will assure expansive and comprehensive care to the public.
15 The board shall prescribe the length of study. Attendance
16 shall be at a course or courses approved by the board.
17 Attendance at any course or courses of study is to be
18 certified to the board upon a form provided by the board and
19 submitted by each optometrist to the board. The board may use
20 up to one-half (1/2) of its annual renewal fees for the
21 purposes of contracting with institutions of higher learning,
22 professional organizations, or qualified individuals to
23 provide educational programs that meet this requirement. The

1 board may also treat funds set aside for the purpose of
2 continuing education as state funds for the purpose of
3 accepting any funds made available under federal law on a
4 matching basis for the programs of continuing education. In
5 no instance may the board require a greater number of hours
6 of study than are available at approved courses held within
7 this state. In addition to any other continuing education
8 requirements under this section, the board shall require
9 three (3) hours of continuing education related to the
10 responsible prescribing of controlled substances every two
11 (2) years. The board may waive the requirements of this
12 section in cases of certified illness or undue hardship.

13

14 **33-24-121. Renewal license certificate; late fee;**
15 **expiration upon failure to renew; reinstatement; continuing**
16 **professional education requirement for renewal; reduction or**
17 **exception determined by board.**

18

19 (d) The board may require that any person applying for
20 renewal in accordance with subsection (a) of this section
21 shall satisfactorily complete not less than six (6) nor more
22 than fifteen (15) contact hours or not less than three-fifths
23 (3/5) of one (1) continuing education unit nor more than one

1 and one-half (1 1/2) continuing education units of approved
2 continuing pharmaceutical education courses each year. For
3 purposes of this subsection, one (1) continuing education
4 unit is equivalent to ten (10) contact hours. No hours or
5 units used for one (1) year shall apply to any other year.
6 The board shall promulgate rules and regulations necessary to
7 administer this subsection and may reduce or make exception
8 to the requirements of this subsection for the initial year
9 of application and for emergency or hardship cases. In
10 addition to any other continuing education requirements under
11 this subsection, the board shall require three (3) hours of
12 continuing education related to the responsible prescribing
13 of controlled substances every two (2) years. The board may
14 require a person licensed as an inactive pharmacist, who seeks
15 to be licensed as an active pharmacist, to:

16

17 **33-26-202. Board; duties; general powers.**

18

19 (b) The board is empowered and directed to:

20

21 (xiv) Adopt, amend, repeal, enforce and promulgate
22 reasonable rules and regulations necessary to implement and
23 administer continuing medical education requirements of its

1 licensees. In addition to any other continuing medical
2 education requirements, the board shall require licensees who
3 are registered with the board of pharmacy to dispense a
4 controlled substance in this state to complete three (3) hours
5 of continuing education related to the responsible
6 prescribing of controlled substances or the treatment of
7 substance abuse disorders every two (2) years.

8
9 **33-30-211. Expiration and renewal of licenses; fees;**
10 **veterinarians on active duty with armed services; duplicate**
11 **licenses; continuing education.**

12
13 (e) The renewal under subsection (a) of this section
14 shall be accompanied by evidence satisfactory to the board of
15 compliance with this chapter and completion of continuing
16 education activities as established by rules and regulations
17 of the board. In addition to any other continuing education
18 requirements under this subsection, the board shall require
19 three (3) hours of continuing education related to the
20 responsible prescribing of controlled substances every two
21 (2) years.

1 35-7-1030. Prescriptions required in certain
2 instances.

3
4 (a) Except when dispensed directly by a practitioner,
5 other than a pharmacy, to an ultimate user, no controlled
6 substance in Schedule II may be dispensed without the written
7 or electronic prescription of a practitioner. This subsection
8 is repealed effective January 1, 2021.

9
10 (c) Except when dispensed directly by a practitioner
11 other than a pharmacy to an ultimate user, a controlled
12 substance included in Schedule III or IV, which is a
13 prescription drug as determined under state or federal
14 statute, shall not be dispensed without a written, oral or
15 electronic prescription of a practitioner. The prescription
16 shall not be filled or refilled more than six (6) months after
17 the date thereof or be refilled more than five (5) times,
18 unless renewed by the practitioner. This subsection is
19 repealed effective January 1, 2021.

20
21 (e) On and after January 1, 2021, except when dispensed
22 directly by a practitioner other than a pharmacy to an
23 ultimate user, no controlled substance included in any

1 schedule shall be dispensed without the electronic
2 prescription of a practitioner. The prescription for a
3 controlled substance included in Schedule III or IV shall not
4 be filled or refilled more than six (6) months after the date
5 of the prescription or be refilled more than five (5) times
6 unless renewed by the practitioner. The board may by rule and
7 regulation provide exemptions from the requirements of this
8 subsection including exemptions for emergencies and technical
9 failures.

10
11 **35-7-1060. Controlled substance prescription tracking**
12 **program.**

13
14 (b) When a practitioner, other than a veterinarian,
15 prescribes a schedule II, III, IV or V controlled substance,
16 the practitioner or his delegate shall search the
17 prescription tracking program for prior prescriptions issued
18 to the patient before first issuing the prescription and shall
19 repeat the search every three (3) months thereafter for as
20 long as the controlled substance remains a part of the
21 patient's treatment. A dispenser, other than a veterinarian,
22 shall electronically file with the board information
23 regarding any prescription for a schedule II, III, IV or V

1 controlled substance dispensed by the dispenser no later than
2 the close of business on the business day immediately
3 following the day the controlled substance was dispensed. The
4 board may grant a reasonable time extension to a dispenser or
5 practitioner who is unable to electronically file or search
6 information as required under this subsection. The board may
7 require the filing of other prescriptions and may specify the
8 manner in which the prescriptions are filed. The board may,
9 by rule and regulation, ~~exempt~~ provide exemptions from the
10 requirements of this subsection including exemptions for
11 prescriptions dispensed in certain inpatient health care
12 settings and exemptions for emergencies and other situations
13 as determined by the board in consultation with other
14 professional licensing boards that license practitioners who
15 are affected by the requirements of this subsection.

16

17 (c) The tracking program shall not be used to infringe
18 on the legal use of a controlled substance. Information
19 obtained through the controlled substance prescription
20 tracking program is confidential and may not be released and
21 is not admissible in any judicial or administrative
22 proceeding, except as follows:

23

(i) The board may release information to practitioners and practitioner appointed delegates and to pharmacists and pharmacist appointed delegates when the release of the information may be of assistance in preventing or avoiding inappropriate use of controlled substances. The board shall release information to practitioners and practitioner appointed delegates and to pharmacists and pharmacist appointed delegates when the release of the information is necessary to comply with the requirements of subsection (b) of this section;

11

12 **Section 2.** This act is effective July 1, 2019.

13

14 (END)