

Ala. Code § 20-2-212

Section 20-2-212 - Controlled substances prescription database program; powers and duties of department; trust fund; advisory committee; review committee

(a) The department may establish, create, and maintain a controlled substances prescription database program. In order to carry out its responsibilities under this article, the department is granted the following powers and authority:

(1) To adopt regulations, in accordance with the Alabama Administrative Procedure Act, governing the establishment and operation of a controlled substances prescription database program.

(2) To receive and to expend for the purposes stated in this article funds in the form of grants, donations, federal matching funds, interagency transfers, and appropriated funds designated for the development, implementation, operation, and maintenance of the controlled substances prescription database. The funds received pursuant to this subdivision shall be deposited in a new fund that is established as a separate special revolving trust fund in the State Treasury to be known as the Alabama State Controlled Substance Database Trust Fund. No monies shall be withdrawn or expended from the fund for any purpose unless the monies have been appropriated by the Legislature and allocated pursuant to this article. Any monies appropriated shall be budgeted and allocated pursuant to the Budget Management Act in accordance with Article 4 (commencing with Section 41-4-80) of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act.

(3) To enter into one or more contracts with the State Board of Pharmacy for the performance of designated operational functions for the controlled substances prescription database, including, but not limited to, the receipt, collection, input, and transmission of controlled substances prescription data and such other operational functions as the department may elect.

(4) To create a Controlled Substances Prescription Database Advisory Committee and an Information Release Review Committee.

(b)

(1) The mission of the Controlled Substance Prescription Database Advisory Committee is to consult with and advise the State Health Officer on matters related to the establishment, maintenance, and operation of the database, access to the database information, how access is to be regulated, and security of information contained in the database.

(2) The advisory committee shall consist of the following:

a. One representative designated by the Medical Association of the State of Alabama.

b. One representative designated by the Alabama Dental Association.

- c. One representative designated by the Alabama Pharmacy Association.
- d. One representative designated by the Alabama Veterinary Medicine Association.
- e. The director of the controlled substances prescription database program in the department.
- f. One representative designated by the Alabama Hospital Association.
- g. The Executive Director of the Alabama State Board of Pharmacy, or his or her designee.
- h. The Executive Director of the Board of Medical Examiners, or his or her designee.
- i. One representative designated by the Alabama Optometric Association.
- j. One representative from each of the certifying boards established under the Alabama Uniform Controlled Substances Act.
- k. One representative designated by the Alabama Medicaid Agency.
- l. One representative designated by the Alabama Podiatry Association.
- m. One representative designated by the Alabama Department of Mental Health.
- n. The Attorney General, or his or her designee.

(3) If a member of the Controlled Substances Prescription Database Advisory Committee is unable to attend a meeting, the organization which appointed that member may designate one of its employees or agents as a proxy. A proxy may participate in all deliberations of the committee and vote on all questions considered by the advisory committee. Designations of a proxy must be in writing, must specify by name the individual who will serve as proxy, and must specify the date of the meeting at which the proxy is authorized to serve. There must be a separate written proxy designation for each meeting at which a proxy will serve.

(4) The appointing authorities of the committee shall coordinate their appointments to assure the committee membership is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state.

(5) Members of the Controlled Substances Prescription Database Advisory Committee may participate in a meeting by means of conference telephone, video conference, or similar communications equipment by means of which all persons participating in the meeting may hear each other at the same time. Participation by such means shall constitute presence in person at a meeting for all purposes, including the establishment of a quorum. Telephone or video conference or similar communications equipment shall also allow members of the public the opportunity to simultaneously listen to or observe the meetings.

(c)

(1) The mission of the Information Release Review Committee is to review statistical, research, or educational requests for information, departmental research requests, or department requests regarding publication of information from the controlled substances database.

(2) The review committee shall consist of one licensed practitioner appointed by the State Board of Medical Examiners, one licensed practitioner appointed by the State Board of Dental Examiners, one licensed pharmacist appointed by the State Board of Pharmacy, one representative experienced in medical informatics or clinical research appointed by the State Health Officer, and one representative experienced in medical informatics or clinical research appointed by the Attorney General.

(3) Members of the Information Release Review Committee may receive electronically from the department statistical, research, or educational requests for information, departmental research requests, or department requests regarding publication of information and may respond electronically in order to provide their approval or disapproval of those requests.

Ala. Code § 20-2-212 (1975)

Amended by Act 2018-146, § 1, eff. 6/1/2018.

Amended by Act 2013-256, § 1, eff. 8/1/2013.

Act 2004-443, p. 781, §3; Act 2010-539, p. 928, § 1; Act 2010-581, p. 1297, § 1.
