

## **Section 20-2-214 Limited Access to Database Permitted for Certain Persons or Entities.**

(a) The following individuals or entities shall be permitted access to the information in the controlled substances database, subject to the limitations indicated below:

(1) Authorized representatives of the certifying boards; provided, however, that access shall be limited to information concerning the licensees of the certifying board, however, authorized representatives from the Board of Medical Examiners may access the database to inquire about certified registered nurse practitioners (CRNPs), or certified nurse midwives (CNMs) that hold a Qualified Alabama Controlled Substances Registration Certificate (QACSC).

(2) A licensed practitioner approved by the department who has authority to prescribe, dispense, or administer controlled substances. The licensed practitioner's access shall be limited to information concerning himself or herself, registrants who possess a Qualified Alabama Controlled Substances Registration Certificate over whom the practitioner exercises physician supervision or with whom he or she has a joint practice agreement, a certified registered nurse practitioner and a certified nurse midwife with a Qualified Alabama Controlled Substances Registration Certificate over whom the practitioner exercises professional oversight and direction pursuant to an approved collaborative practice agreement, a current patient of the practitioner, and individuals seeking treatment from the practitioner. Practitioners shall have no requirement or obligation under this article to access or check the information in the controlled substances database prior to prescribing, dispensing, or administering medications or as part of their professional practice. However, the applicable licensing boards may impose such a requirement or obligation by rule.

(3) Up to two employees designated by a licensed physician approved by the department who has authority to prescribe, dispense, or administer controlled substances, who may access the database on the physician's behalf.

(4) Up to two employees designated by a licensed dentist approved by the department who has authority to prescribe, dispense, or administer controlled substances, who may access the database on the dentist's behalf.

(5) A licensed certified registered nurse practitioner or a licensed certified nurse midwife approved by the department who is authorized to prescribe, administer, or dispense pursuant to a Qualified Alabama Controlled Substances Registration Certificate; provided, however, that access shall be limited to information concerning a current or prospective patient of the certified registered nurse practitioner or certified nurse midwife.

(6) A licensed assistant to physician approved by the department who is authorized to prescribe, administer, or dispense pursuant to a Qualified Alabama Controlled Substances Registration Certificate; provided, however, that access shall be limited to information concerning a current patient of the assistant to the physician or an individual seeking treatment from the assistant to physician.

(7) A coroner, deputy coroner, or a licensed medical examiner or the examiner's designee who is employed by the Alabama Department of Forensic Sciences; provided, however, that access shall be limited to information concerning an investigation of the cause and manner of death of an individual. No coroner or deputy coroner shall be granted access to information pursuant to this subdivision unless he or she has received and completed training provided by the department and successfully passed a minimum standards exam administered by the department.

(8) A licensed pharmacist approved by the department; provided, however, that access is limited to information related to the patient or prescribing practitioner designated on a controlled substance prescription that a pharmacist has been asked to fill. Pharmacists shall have no requirement or obligation to access or check the information in the controlled substances database prior to dispensing or administering medications or as part of their professional practices.

(9) State and local law enforcement authorities as authorized under Section 20-2-91, and federal law enforcement authorities authorized to access prescription information upon application to the department accompanied by a declaration that probable cause exists for the use of the requested information.

§ (10) Employees of the department and consultants engaged by the department to operate the controlled substances database; provided, however, that access shall be limited to operating and administering the database, conducting departmental research when approved by the Information Release Review Committee, and implementing a research request authorized under subsection (b).

(11) The prescription drug monitoring program of any of the other states or territories of the United States, if recognized by the Alliance for Prescription Drug Monitoring Programs under procedures developed, certified, or approved by the United States Department of Justice or the Integrated Justice Information Systems Institute or successor entity subject to or consistent with limitations for access prescribed by this chapter for the Alabama Prescription Drug Monitoring Program.

(12) Authorized representatives of the Alabama Medicaid Agency; provided, however, that access shall be limited to inquiries concerning possible misuse or abuse of controlled substances by Medicaid recipients.

(13) Upon good cause shown to the State Health Officer or his or her designee, authorized representatives of the Board of Nursing may receive information concerning licensees of the Board of Nursing; provided, however, that requests shall be limited to information concerning a licensee of the Board of Nursing who is the subject of an investigation or disciplinary activity. Any certifying board, state or federal law enforcement agency, or other individual or entity authorized to access the information from the controlled substances database pursuant to this article may share information from the controlled substances database with the Board of Nursing, provided that the information concerns a licensee of the Board of Nursing who is the subject of an investigation or disciplinary activity.

(b) Subject to the approval of the Information Release Review Committee, the department may release or publish de-identified aggregate statewide and regional information for statistical, research, or educational purposes.

(1) Prior to being released or published, all information that identifies, or could reasonably be used to identify, a patient, a prescriber, a dispenser, or any other person who is the subject of the information, shall be removed, and at a minimum, such de-identification of the information shall comply with 45 C.F.R. § 164.514(b)(2), as amended.

(2) Release of information shall be made pursuant to a written data use agreement between the requesting individual or entity and the department.

*(Act 2004-443, p. 781, §5; Act 2009-489, p. 891, §2; Act 2010-539, p. 928, §1; Act 2010-581, p. 1297, §1; Act 2013-223, p. 531, §3; Act 2013-256, p. 666, §1; Act 2018-146, §1; Act 2021-383, §1; Act 2022-384, §1; Act 2024-80, §1.)*