

117TH CONGRESS
1ST SESSION

S. 2354

To require certain practitioners authorized to prescribe controlled substances to complete continuing education.

IN THE SENATE OF THE UNITED STATES

JULY 15, 2021

Mr. MARKEY (for himself, Mr. BRAUN, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require certain practitioners authorized to prescribe controlled substances to complete continuing education.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safer Prescribing of
5 Controlled Substances Act”.

6 **SEC. 2. CONTINUING EDUCATION REQUIREMENTS FOR**
7 **CERTAIN PRACTITIONERS PRESCRIBING**
8 **CONTROLLED SUBSTANCES.**

9 Section 303 of the Controlled Substances Act (21
10 U.S.C. 823) is amended—

1 (1) in subsection (f), in the matter preceding
 2 paragraph (1), by striking “The Attorney General
 3 shall register” and inserting “Subject to subsection
 4 (k), the Attorney General shall register”;

5 (2) by redesignating subsection (k) as sub-
 6 section (l);

7 (3) by inserting after subsection (j) the fol-
 8 lowing:

9 “(k) CONTINUING EDUCATION REQUIREMENTS FOR
 10 PRACTITIONERS.—

11 “(1) DEFINITION OF COVERED PRACTI-
 12 TIONER.—In this subsection, the term ‘covered prac-
 13 titioner’ means a practitioner that is not a hospital,
 14 pharmacy, or veterinarian.

15 “(2) REQUIREMENT.—As a condition of grant-
 16 ing or renewing the registration of a covered practi-
 17 tioner under this part to dispense, or conduct re-
 18 search with, controlled substances in schedule II,
 19 III, IV, or V, the Attorney General shall require the
 20 covered practitioner to complete training through ac-
 21 credited continuing prescriber education that the
 22 Secretary determines meets the requirements under
 23 paragraph (3), unless the covered practitioner meets
 24 the conditions described in paragraph (6).

1 “(3) CONTENTS OF TRAINING.—The training
2 provided for purposes of paragraph (2) shall, at a
3 minimum, expose a covered practitioner to—

4 “(A) best practices for pain management,
5 including—

6 “(i) responsible prescribing of pain
7 medications;

8 “(ii) alternatives to prescribing con-
9 trolled substances; and

10 “(iii) other alternative therapies to de-
11 crease the use of opioids;

12 “(B) tools to manage adherence and diver-
13 sion of controlled substances, including—

14 “(i) prescription drug monitoring pro-
15 grams;

16 “(ii) drug screening;

17 “(iii) informed consent;

18 “(iv) overdose education; and

19 “(v) the use of opioid overdose an-
20 tagonists; and

21 “(C) best practices for substance use dis-
22 order treatment, including methods for diag-
23 nosing, treating, and managing a substance use
24 disorder, including—

1 “(i) the use of medications approved
2 by the Food and Drug Administration;

3 “(ii) the use of evidence-based non-
4 pharmacological therapies; and

5 “(iii) linking patients to evidence-
6 based treatment for substance use dis-
7 orders.

8 “(4) ESTABLISHMENT OF TRAINING MODULE.—

9 The Assistant Secretary of Health and Human Serv-
10 ices for Mental Health and Substance Use shall es-
11 tablish or support the establishment of not less than
12 1 training module that meets the requirements
13 under paragraph (3) that is provided—

14 “(A) to any covered practitioner registered
15 or applying for a registration under this part to
16 dispense, or conduct research with, controlled
17 substances in schedule II, III, IV, or V;

18 “(B) online; and

19 “(C) free of charge.

20 “(5) DATABASE OF TRAINING MODULES.—The

21 Secretary shall establish, maintain, and periodically
22 update a publicly available database providing infor-
23 mation relating to training modules that meet the
24 requirements under paragraph (3).

1 “(6) EXCEPTION.—A covered practitioner shall
2 be deemed as completing the training described in
3 paragraph (2) if the covered practitioner completes
4 accredited continuing prescriber education that—

5 “(A) is—

6 “(i) required, as a condition of State
7 practice licensure, to fulfill mandated
8 training or education related to best prac-
9 tices in pain management and substance
10 use disorder treatment; and

11 “(ii) substantially similar to the train-
12 ing required under paragraph (3); or

13 “(B) is—

14 “(i) required, as a condition of main-
15 taining a board certification recognized by
16 the appropriate board certification organi-
17 zations, to fulfill mandated training or
18 education related to best practices in pain
19 management and substance use disorder
20 treatment; and

21 “(ii) substantially similar to the train-
22 ing required under paragraph (3).

23 “(7) REPORT ON PRESCRIBING PATTERNS.—
24 Not later than 5 years after the date of enactment
25 of the Safer Prescribing of Controlled Substances

1 Act, the Secretary shall evaluate, and make publicly
2 available a report describing, how exposure to the
3 training required under this subsection has changed
4 prescribing patterns of controlled substances.”; and
5 (4) in subsection (l) (as redesignated), by strik-
6 ing “In this section” and inserting “DEFINITION OF
7 FACTORS AS MAY BE RELEVANT TO AND CON-
8 SISTENT WITH THE PUBLIC HEALTH AND SAFE-
9 TY.—In this section”.

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