

R380. Health, Administration.

R380-403. Qualified Medical Providers.

R380-403-1. Authority and Purpose.

Pursuant to Subsections 26-1-5(1) and 26-61a-106(3)(b), this rule establishes definitions of terms used in the rule and application procedures and continuing education requirements for QMPs.

R380-403-2. Definitions.

As used in this section:

(1) "Fundamentals of medical cannabis coursework" means a course, or combination of courses, with content that addresses the following subjects:

- (a) endocannabinoid system and phytocannabinoids;
- (b) general guidance and recommendations for medical cannabis; and
- (c) history of cannabis, dosing forms, considerations, drug interactions, adverse reactions, contraindications (breastfeeding and pregnancy), and toxicology.

(2) "General medical cannabis coursework" means a course or combination of courses with content that addresses medical cannabis which may include medical cannabis law or fundamentals of medical cannabis coursework.

(3) "Medical cannabis law coursework" means a course, or combination of courses, with content that addresses Title 26, Chapter 61a, Utah Medical Cannabis Act, and other state and federal laws relating to medical cannabis; that includes, at a minimum, a review of the following:

- (a) qualifying health conditions for which a patient may lawfully use medical cannabis, for medicinal purposes in Utah;
- (b) forms of medical cannabis that qualifying patients are allowed, and prohibited, under Utah law;
- (c) limits of the quantities of unprocessed cannabis, and cannabis products in medicinal form, that may be dispensed in Utah;
- (d) requirements to initially register, and renew registration, as a QMP;
- (e) limits to the number of active medical cannabis recommendations that a QMP can make at any given time;
- (f) description of what a QMP must document in a patient's record, before recommending medical cannabis;
- (g) information required from a QMP when writing a medical cannabis recommendation, and the option to make a recommendation without specifying a dosage form and dosing parameters;
- (h) a QMP's role in determining the appropriate medical cannabis dosage form and dosage parameters, when a QMP chooses to recommend without specifying a dosage form and dosing parameters;
- (i) limits on advertising by a QMP;
- (j) types of medical cannabis cards;
- (k) regulations controlling the distribution of product by medical cannabis pharmacies;
- (l) partial fill orders;
- (m) the role of the compassionate use board;
- (n) that all medical cannabis purchased at medical cannabis pharmacies in Utah, is required to be cultivated at cannabis cultivation facilities, processed at cannabis processing facilities, and that samples be tested at independent cannabis testing laboratories; that are licensed in Utah and operate within Utah's medical cannabis system;
- (o) the conditions of legal possession of medical cannabis under Utah law before and after January 1, 2021;
- (p) legal status of medical and recreational marijuana in states surrounding Utah, and under federal law;
- (q) authority to change dosage parameters in a medical cannabis recommendation, as outlined in R380-404, Dosing Parameters;
- (r) home delivery of medical cannabis; and
- (s) purpose of the state central patient portal.

R380-403-3. Qualified Medical Providers -- Application Procedures.

(1) The application procedures established in this section shall govern application for initial issuance of a QMP registration card under Title 26, Chapter 61a, Utah Medical Cannabis Act.

(2) Each card applicant shall apply upon forms available in the EVS, from the Department.

(3) The Department may issue a QMP card, only if the Department determines that the applicant meets all requirements established under Title 26, Chapter 61a, Utah Medical Cannabis Act, and by Department rule.

(4) The Department shall provide a written notice of denial to an applicant who submits a complete application, if the Department determines that the applicant does not meet the card requirements.

(5) The Department shall provide to the applicant a written notice of incomplete application that the application will be closed, unless the applicant corrects the deficiencies within the time period specified in the notice, and otherwise meets all card requirements.

(6) Written notices of denial or incomplete application shall be sent to the applicant's last email address shown in the Department's EVS database, unless the applicant has requested to be notified by regular mail.

(7) Each applicant shall maintain a current email address with the Department. Notice to the last email address on file with the Department constitutes legal notice, unless the applicant has requested to be notified by regular mail.

R380-403-4. Qualified Medical Provider - Renewal Application Procedures.

(1) Renewal application procedures established in this section shall govern applications to renew a QMP registration card.

(2) Each QMP registration card applicant shall apply upon renewal application forms, available from the Department.

(3) The Department may issue a card to an applicant who submits a complete renewal application, if the Department determines that the applicant meets the card requirements.

(4) The Department shall provide a written notice of denial to the applicant who submits a complete renewal application, if the Department determines that the applicant does not meet the card requirements.

(5) The Department shall provide to the applicant a written notice of incomplete that the renewal application will be closed, unless the applicant corrects the deficiencies within the time period specified in the notice, and otherwise meets all card requirements.

(6) The Department shall send a renewal notice to each cardholder at least 60 days prior to the expiration date shown on the QMP's card. The notice shall include instructions to renew the card in the EVS, via the Department's website.

(7) Renewal notices shall be sent to the cardholder's last email shown in the Department's EVS database, unless the applicant has requested to be notified by regular mail.

(8) Each cardholder shall maintain a current email address and mailing address with the Department. Emailing to the last email address on file with the Department constitutes legal notice unless, the applicant has requested to be notified by regular mail.

(9) Renewal notices shall advise each cardholder that a QMP card automatically expires on the expiration date, and is no longer valid if it is not renewed prior to the expiration.

(10) If an individual's QMP registration card expires, the individual may submit a card renewal application at any time, regardless of the length of time passed since the expiration of the card.

R380-403-5. Qualified Medical Provider - Continuing Education Requirement.

(1) Pursuant to Section Utah Code 26-61a-106, applicants for registration as a QMP shall verify completion of four hours of continuing education. Once registered as a QMP, an individual shall complete an additional four hours of continuing education every two years, as a requirement for renewal.

(2) To meet the continuing education requirement, all coursework shall include the following:

(a) approval by the Utah Department of Health;

(b) be provided by organizations accredited through the Accreditation Council for Continuing Medical Education (ACCME), Accreditation Council for Pharmacy Education (ACPE), American Academy of Physician Assistants (AAPA), or the American Association of Nurse Practitioners (AANP);

(c) completion of a test with a passing score, as determined by the course provider, to verify comprehension of course content; and

(d) a certificate of completion.

(3) Initial registration as a QMP, requires at least four hours of continuing education, which shall include at a minimum:

(a) medical cannabis law coursework; and

(b) fundamentals of medical cannabis coursework.

(4) A QMP shall renew registration every two years, after completing at least four hours of continuing education in general medical cannabis coursework; to be completed within two years prior to the date of the QMP's renewal application.

(5) The continuing education report shall be submitted with an individual's application for registration as a QMP, and shall include a certificate of completion for coursework completed after issuance of the most recent registration. Applications that do not include the continuing education report will be considered incomplete, and the Department will not process an application until the report is complete.

KEY: medical cannabis, qualified medical provider, medical marijuana

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Authorizing, and Implemented or Interpreted Law: 63G-3; 26-61a; 26-1-5(1); 26-61a-106(3)(b)