

## Key Learning Element

DHHS Core Concepts are required to have a minimum of one knowledge point, per subject, in the final competency exam.

Additional knowledge points may originate from either the DHHS Core Concepts, General Utah Cannabis Law, and/or Medical Cannabis Pharmacy/Courier Operations.

### **[Key Learning Element: 1.0]**

**\*Required\***

**DHHS Core Concept: 1**

**State law requires that an agent comply with federal and state privacy laws**

State law requires that medical cannabis pharmacies maintain treatment files and other records in accordance with the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 as amended.

State law requires that agents safeguard all information about a medical cannabis cardholder that is stored in or retrieved from the electronic verification system (EVS) and the inventory control system (ICS).

### **[Key Learning Element: 2.0]**

**\*Required\***

**DHHS Core Concept: 2**

**Definition of personally identifiable information (PII) and personal health information (PHI)**

Sensitive identifiable information includes personally identifiable information (PII) and personal health information (PHI).

•PII is any information that can be used to distinguish an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.

•PHI is any information that relates to the past, present or future health of an individual; the provision of healthcare to an individual; or the payment for the provision of healthcare to an individual.

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### ***[Key Learning Element: 3.0]***

**\*Required\***

**DHHS Core Concept: 3**

**Examples of where sensitive identifiable information may be found**

Sensitive identifiable information may be found in the following:

- Spoken/verbal communications (telephone conversations, meetings);
- Paper or hard copy records (documents, forms, labels, photos); and
- Electronic records (computer-based records, electronic medical records, scanned documents, video recordings, files on servers and mobile devices, email content and attachments).

### ***[Key Learning Element: 4.0]***

**\*Required\***

**DHHS Core Concept: 4**

**Minimum necessary standard**

Private health information (PHI) should only be used or disclosed when it is necessary to satisfy a particular business purpose or to carry out a business function. Otherwise, it should not be used or disclosed.

An agent is prohibited from accessing information about family members, neighbors, friends or co-workers without a business need to access the information.

### ***[Key Learning Element: 5.0]***

**\*Required\***

**DHHS Core Concept: 5**

**Penalties for violation of privacy laws**

A person authorized to access the EVS or ICS who fails to observe confidentiality requirements established in state law may lose access to the EVS and the DHHS may revoke their DHHS-issued agent card.

Any person who obtains or attempts to obtain information from the state electronic verification system (EVS) for a purpose other than a purpose authorized under Utah law is guilty of a third degree felony and may be subject to a civil penalty of up to \$5,000.

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### [Key Learning Element: 6.0]

**\*Required\***

**DHHS Core Concept: 6**

#### **Steps to protect the privacy of sensitive identifiable information**

To ensure compliance with applicable privacy laws, an agent is responsible to take steps to protect the privacy of a patient's sensitive identifiable information.

Steps include:

- Lock desks, drawer/file cabinets, and work areas containing sensitive identifiable information when unattended.
- Keep work areas clear of PII and PHI information when not in use.
- Store keys to cabinets, doors, and other secure areas in secure locations.
- Collect printed documents sent to print at shared network printers immediately after ordering them to print.
- Arrange workstation monitors so that sensitive identifiable data is protected from being viewed by unauthorized persons.
- Use cybersecurity measures, such as email encryption, when sending or requesting sensitive identifiable information.
- Don't share your unique passwords with others.
- Log out fully before other authorized users access a shared workstation.
- Clear whiteboards of sensitive identifiable information when done or leaving rooms.
- When disposing of sensitive identifiable information, shred, purge, or totally destroy the data prior to disposal.

### [Key Learning Element: 7.0]

**\*Required\***

**DHHS Core Concept: 7**

#### **Medical cannabis pharmacy cardholder area access**

Access to the cardholder area of a medical cannabis pharmacy is limited to the following individuals:

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Access to the cardholder area of a medical cannabis pharmacy is limited to the following individuals:

- An individual registered by DHHS as a medical cannabis cardholder, pharmacy medical provider (PMP), or a medical cannabis pharmacy agent, or;
  - An individual logged in as a visitor who:
    - receives a visitor identification badge that is worn and visibly displayed at all times; and
    - is escorted within the cardholder area by a pharmacy agent or PMP at all times.
- An employee in the process of application who is yet not registered by DHHS as a medical cannabis pharmacy agent or a PMP is a visitor and should not access the cardholder area without a visitor badge and an escort.

#### **[Key Learning Element: 8.0]**

**\*Required\***

**DHHS Core Concept: 8**

**Medical cannabis pharmacy agent must carry agent card with them at all times**

A pharmacy agent must carry a paper or digital copy of their agent card with them at all times when they:

- Are on the premises of a medical cannabis pharmacy;
- Are transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device.

#### **[Key Learning Element: 9.0]**

**\*Required\***

**DHHS Core Concept: 9**

**Recommending medical provider (RMP) dosing guidelines**

If an RMP recommends dosing guidelines, a PMP at a medical cannabis pharmacy must ensure the patient's purchase complies with the guidelines.

This includes the type of dosage form, (i.e. gelatinous cube, concentrated oil, etc.) and amount as written in the patient's medical cannabis recommendation.

To change an RMP's dosing guideline, a PMP *must* contact the cardholder's RMP, *obtain approval* from the RMP to make the change, and *document* the RMP's approval of the change in the EVS. The RMP can choose to authorize the PMP to make any therapeutic substitutions to the dosing guidelines in

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the EVS. If the RMP authorizes the PMP to make substitutions, then the PMP does not need to contact the cardholder's RMP and obtain approval from the RMP to change the recommendation. Authorization for the PMP to determine dosing guidelines can include partial dosing guidelines or entire dosing guidelines. If an RMP only limits a certain part of a recommendation in the EVS but does not limit other parts (e.g. limits dosage form but does not limit amount or vice versa), a PMP may determine the remaining parts of the recommendation during a consultation. However, the PMP may not change what the RMP has already recommended unless approval for the change is communicated by the RMP to the PMP and documented in the EVS.

If an RMP certifies a patient's eligibility for a medical cannabis card but allows the PMP to recommend dosing guidelines, as documented in EVS, a PMP must determine the best course of treatment through consultation with the patient.

To determine a patient's best course of treatment, a PMP must review the following with the patient:

- Any information about the patient in EVS or from the Limited Medical Provider Recommendation for Medical Cannabis form;
- The patient's qualifying condition;
- Indications for medical treatments;
- Any directions of use and dosing guidelines documented by the RMP; and
- Potential adverse reactions.

#### ***[Key Learning Element: 10.0]***

**\*Required\***

**DHHS Core Concept: 10**

#### **Limits on what a medical cannabis pharmacy agent may do in a medical cannabis pharmacy**

A medical cannabis pharmacy agent **cannot** perform the following duties in a medical cannabis pharmacy:

- Receive dosing guidelines for a patient's recommendation over the phone, or in person;
- Determine, or modify, dosing guidelines in a patient's recommendation; or
- Provide counseling, or consultation, regarding a patient's medical condition, or medical treatment.

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### ***[Key Learning Element: 11.0]***

#### **Qualifying conditions (UCA 26-61a-104)**

Approved list of Qualifying Medical Conditions

- \* HIV or Acquired Immune Deficiency Syndrome (AIDS);
- \* alzheimer's disease;
- \* amyotrophic lateral sclerosis (ALS);
- \* cancer;
- \* cachexia;
- \* persistent nausea that is not significantly responsive to traditional treatment, except for nausea related to:
  - \* pregnancy;
  - \* cannabis-induced cyclical vomiting syndrome; or
  - \* cannabinoid hyperemesis syndrome.
- \* crohn's disease or ulcerative colitis;
- \* epilepsy or debilitating seizures;
- \* multiple sclerosis (MS) or debilitating muscle spasms;
- \* post-traumatic stress disorder (PTSD) that is being treated and monitored by a mental health therapist and that:
  - \* has been diagnosed by a health care provider or mental health provider by the VA and documented in the patient's record; or
  - \* has been diagnosed or confirmed by evaluation by a psychiatrist, master's level degree psychologist, a master's level degree licensed clinical social worker, or a psych APRN.
- \* autism;
- \* terminal illness when the patient's remaining life expectancy is less than 6 months;
- \* condition resulting in the individual receiving hospice care;
- \* rare condition or disease that affects less than 200,000 individuals in the U.S., as defined in federal law, and is not adequately managed despite treatment attempts using conventional medications (other than opioids or opiates) or physical interventions;
- \* acute pain that is expected to last for 2 weeks or longer for an acute condition, including surgical procedure, for which a medical professional may generally prescribe opioids for a limited duration; or
- \* persistent pain that lasts longer than 2 weeks that is not adequately managed, in the qualified medical provider's (QMP) opinion, despite treatment attempts using conventional medications other than opioids or opiates or physician interventions.

### ***[Key Learning Element: 12.0]***

#### **Recommending medical providers (RMPs) (UCA 26-61a-106)**

The law requires that the provider is a Utah-licensed MD, DO, APRN, PA, or DPM with a controlled-substance license.

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### **[Key Learning Element: 13.0]**

#### **Purchase and possession restrictions (UCA 26-61a-102, 502)**

A medical cannabis pharmacy may dispense to a patient up to the "legal dosage limit" of medical cannabis. The legal dosage limit is defined as an amount that is sufficient to provide 30 days of treatment based on dosing guidelines that the relevant RMP or PMP recommends.

The legal dosage limit cannot ever exceed 113 grams by weight for unprocessed cannabis flower and 20 grams of active THC for other cannabis products.

Utah medical cannabis card holders may not ever possess more than 113 grams by weight for unprocessed cannabis flower and 20 grams of active THC for other cannabis products.

### **[Key Learning Element: 14.0]**

#### **Medical cannabis pharmacy agent duties (R383-8)**

The following duties may be performed by a pharmacy agent:

- \* within the dosage parameters specified by a QMP or PMP, assist the cardholder with understanding available products, proper use of a medical device, medical cannabis strains and methods of approved consumption or application;
- \* using the inventory control system, verify the status of an individual's medical cannabis card and dosage parameters in a patient recommendation;
- \* enter and retrieve information from the ICS;
- \* authorize entry of a cardholder into the cardholder counseling area.
- \* Take refill orders from a QMP;
- \* provide pricing and product information;
- \* accurately process cardholder payments including issuance of receipts, refunds, credits, and cash;
- \* prepare labels;
- \* retrieve medical cannabis and medical cannabis devices from inventory;
- \* accept new medical cannabis or medical cannabis device orders left on voicemail for a PMP to review;
- \* verbally offer to a cardholder the opportunity for counseling with a PMP regarding medical cannabis or a medical cannabis device;
- \* assist with dispensing of product to cardholders;
- \* screen calls for a PMP;
- \* preparing inventories of medical cannabis and medical cannabis devices;
- \* transport medical cannabis or medical cannabis devices (if employed at a licensed home delivery medical cannabis pharmacy);
- \* assist with maintaining a safe, clean, and professional environment;
- \* access patient information in the EVS; and
- \* view medical treatment and medication history in the EVS.

The following duties cannot be performed by a pharmacy agent:

- \* receive dosing guidelines for a patient's recommendation over the phone or in person;
- \* determine or modify dosage guidelines in a patient's recommendation; and
- \* provide counseling or consultation regarding a patient's medical condition or medical treatment.

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### ***[Key Learning Element: 15.0]***

#### **Delivery services (R383–9; UCA 26-61a-604)**

Medical cannabis couriers must adhere to the same patient privacy standards and operating standards as the medical cannabis pharmacy for which they are delivering shipments.

A pharmacy or courier agent delivering medical cannabis must:

- \* Have a manifest that includes a unique identifier, origin and destination, departure and estimated arrival times.
- \* Have a trip log showing the specific route.
- \* Store shipment in a secure manner, including in a fully enclosed box, container or cage that is secured inside the delivery vehicle.
- \* Ensure appropriate storage temperature to maintain integrity of the product.
- \* Ensure only a pharmacy/courier agent can access the shipment.
- \* Ensure that no one other than a pharmacy/courier agent is allowed in the delivery vehicle.
- \* Record the completion of the shipment by the end of the business day
- \* Return any undeliverable shipment to the pharmacy as soon as possible but within 10 business days.
- \* Wear an identification tag.
- \* Provide each cardholder with printed material that includes a pharmacy's contact information and hours when a PMP is available for counseling.
- \* Report missing product to the pharmacy's PMP, the department and law enforcement within 24 hours.
- \* Deliver in a vehicle that is:
  - \* known to the department;
  - \* has no marking or indication on the exterior of what is being transported;
  - \* Is not an unmanned vehicle;
  - \* has an alarm system;
  - \* has a GPS device that is not easily removable, is attached to the vehicle, and is capable of storing and transmitting data.

When delivering medical cannabis or devices to a cardholder's home, the pharmacy or courier agent must not:

- \* drop off the delivery with anyone other than the cardholder;
- \* perform deliveries before 6am or after 10pm;
- \* leave product unattended in a delivery vehicle for more than 1 hour;
- \* make changes in dosage or quantity at the request of the cardholder during a delivery;
- \* consume medical cannabis while delivering;
- \* transport medical cannabis products or devices that do not appear on the manifest; and
- \* store medical cannabis at a courier facility.

The following must be verified prior to delivery of shipment to the individual:

- \* shipment is not dropped off or left with anyone other than the medical cannabis cardholder or, if delivering to a health-care facility designated by the cardholder, an employee designated by the facility;
- \* valid form of photo identification of the individual that placed the order;
- \* valid medical cannabis card under the same name that appears on the ID;
- \* shipment delivered to the address on the cardholder's EVS account; and
- \* payment is complete.

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### ***[Key Learning Element: 16.0]***

#### **Medical cannabis cards (UCA 26-61a-201, 502)**

Types of medical cannabis cards available in Utah and their requirements include the following:

##### Patient card

- \* Issued to patients ages 18 years and older.
- \* Valid for 6 months after the initial issuance.
- \* The first renewal period is for 6 months, but subsequent renewal periods can be extended to 1 year with approval by a patient's RMP.
- \* Patients who are 18-20 years must have the medical cannabis card approved by the CUB.
- \* The CUB can decrease the renewal period for patients whose cards they approve.

##### Minor and guardian cards

- \* Provisional patient cards are issued to minors who are younger than 18 years.
- \* CUB approval is required for all provisional patient cards.
- \* Valid for 6 months after the initial issuance.
- \* The first renewal period is for 6 months, but subsequent renewal periods can be extended to 1 year with approval by a patient's RMP.
- \* The CUB can decrease the renewal period for provisional patient cards.
- \* Guardian cards are issued to the minor's parent or legal guardian.
- \* Guardian cards are automatically issued and renewed with provisional patient cards.
- \* The parent/guardian is required to complete a criminal background check with DHHS prior to card issuance.

##### Caregiver card

- \* Issued to caregivers of patients who have an active patient card.
- \* A patient with an active medical cannabis card designates a caregiver in the EVS.
- \* Caregiver cards have the same expiration date as the associated patient card.
- \* Once a caregiver card expires, the caregiver must reapply for renewal.
- \* An additional fee for a caregiver card is required.
- \* The caregiver is required to complete a criminal background check with DHHS prior to card issuance.

##### Non-Utah Resident Card

- \* Issued to non-Utah residents who are visiting Utah and who are medical cannabis cardholders in their home state.
- \* Valid for 21 days at a time.
- \* Patients may be issued 2 non-Utah resident cards per calendar year.
- \* Patients must have a qualifying condition that is legal for medical cannabis use in Utah.
- \* The non-Utah resident card is issued to patients the day before they travel to Utah.

### ***[Key Learning Element: 17.0]***

#### **Dosage forms and devices (UCA 26-61a-102, 502)**

'Smoking cannabis is prohibited. Patients may purchase a medical cannabis device that warms cannabis material into a vapor that can be inhaled without the use of a flame.'

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### **[Key Learning Element: 18.0]**

#### **Product labeling (UCA 26-61a-501; UCA 4-41a-602)**

##### "Processor label

Products sold by medical cannabis pharmacies must have a label on them placed by the processor that:

- clearly displays the product's known cannabinoid content and the amount of each cannabinoid;
  - has a unique ID number that is connected to the inventory control system and that identifies the manufacturing process the processing facility used to manufacture the cannabis product;
  - identifies the cannabinoid extraction process that the cannabis processing facility used to create the product;
  - does not display an image, word, or phrase that the facility knows or should know appeals to children; and
  - discloses each active or potentially active ingredient and possible allergen."
- DHHS Medical cannabis agent continuing education course handout-2023

### **Key Learning Element: 19.0]**

#### **Product labeling (UCA 26-61a-501; UCA 4-41a-602)**

##### Pharmacy label

The medical cannabis pharmacy cannot sell cannabis or cannabis product unless the product has a label affixed to the container provided by the pharmacy or a informational enclosure provided by the pharmacy indicating the following minimum information:

- the name, address, and telephone number of the medical cannabis pharmacy;
- the date of sale;
- the name of the patient;
- the name of the QMP who recommended the medical cannabis treatment;
- directions for use and cautionary statements, if any;
- legal use termination date (only required for unprocessed flower products); and
- any other requirements that DHHS determines.