

2019 Regular Session

HOUSE BILL NO. 284

BY REPRESENTATIVE ABRAHAM

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DRUGS/PRESCRIPTION: Provides relative to prescribing and dispensing of opioid drugs

1 AN ACT

2 To amend and reenact R.S. 40:978(G)(2) and (H)(2)(a), relative to prescribing and  
3 dispensing of opioid drugs; to institute certain requirements for prescribers of such  
4 drugs; to institute certain requirements for pharmacists relative to dispensing of such  
5 drugs; to provide for unauthorized practices by prescribers and pharmacists; to  
6 authorize the Louisiana Board of Pharmacy to take disciplinary action against  
7 pharmacists in connection with the dispensing of opioid drugs; and to provide for  
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:978(G)(2) and (H)(2)(a) are hereby amended and reenacted to  
11 read as follows:

12 §978. Prescriptions

13 \* \* \*

14 G.

15 \* \* \*

16 (2)(a) If, in the professional medical judgment of a medical practitioner,  
17 more than a seven-day supply of an opioid is required to treat the adult or minor  
18 patient's acute medical condition or is necessary for the treatment of chronic pain  
19 management, pain associated with a cancer diagnosis, or for palliative care, the  
20 practitioner may issue a prescription for the quantity needed to treat the patient's  
21 acute medical condition or pain.





Present law authorizes a pharmacist filling a prescription for an opioid to dispense the drug in an amount less than the recommended full quantity indicated on the prescription if requested by the patient.

Proposed law retains present law and stipulates that if the patient does not request that his prescription for an opioid be dispensed in an amount less than the recommended full quantity indicated on the prescription, then the pharmacist shall dispense to the patient the full quantity indicated on the prescription. Provides that failure by a pharmacist to comply with this requirement may subject the pharmacist to disciplinary action by the La. Board of Pharmacy.

Proposed law requires that if a pharmacist limits the quantity of a controlled substance he dispenses as authorized or required by federal regulation, he shall notify the prescriber by telephone, facsimile transmission, or electronic mail as soon as is practicable, but in no case more than 72 hours after dispensing or failing to dispense the prescription. Provides that if the pharmacist is unable to notify the prescriber directly, he may notify the medical office at which the prescriber practices, and this notification shall be deemed to satisfy the requirements of proposed law.

(Amends R.S. 40:978(G)(2) and (H)(2)(a))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete provisions of proposed law that duplicate present law requiring that the quantity of a prescription drug be indicated on a prescription order.
2. Delete proposed law providing that failure by a medical practitioner to comply with proposed law shall be deemed unauthorized practice and a violation of the practitioner's practice standard, and shall subject the practitioner to disciplinary action by the health profession licensing board which issues his license.
3. Provide that if a pharmacist fails to dispense the prescribed amount of an opioid drug, he shall notify the prescriber within 24 hours.
4. Revise proposed law providing that failure by a pharmacist to comply with proposed law shall subject him to disciplinary action by the La. Board of Pharmacy to provide, instead, that the board may take disciplinary action in such cases.
5. Delete proposed law stipulating that proposed law shall not apply when a pharmacist limits the quantity of a controlled substance he dispenses as authorized or required by federal regulation.
6. Provide that if a pharmacist limits the quantity of a controlled substance he dispenses as authorized or required by federal regulation, he shall notify the prescriber within 24 hours.

#### The House Floor Amendments to the engrossed bill:

1. Provide that the purpose of proposed law is protection of the health of the patient.
2. Delete proposed law requiring that if a pharmacist fails to dispense the prescribed amount of an opioid, he shall notify the prescriber within 24 hours. Provide instead that if the pharmacist fails to dispense the prescribed amount of an

opioid, he shall notify the prescriber by telephone, facsimile transmission, or electronic mail as soon as is practicable, but in no case more than 72 hours after dispensing or failing to dispense the prescription. Provide further that if the pharmacist is unable to notify the prescriber directly, he may notify the medical office at which the prescriber practices.

3. Delete proposed law requiring that if a pharmacist limits the quantity of a controlled substance he dispenses as authorized or required by certain federal regulations, he shall notify the prescriber within 24 hours. Provide instead that if the pharmacist limits the quantity of a controlled substance he dispenses as authorized or required by those federal regulations, he shall notify the prescriber by telephone, facsimile transmission, or electronic mail as soon as is practicable, but in no case more than 72 hours after dispensing or failing to dispense the prescription. Provide further that if the pharmacist is unable to notify the prescriber directly, he may notify the medical office at which the prescriber practices.