

2020 Regular Session

SENATE BILL NO. 362

BY SENATOR MIZELL

HEALTH CARE. Provides relative to prescriptions for opioids. (8/1/20)

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AN ACT

To amend and reenact R.S. 40:978(F)(1), relative to opioid prescription medications; to provide for the use of the prescription monitoring program; to provide for the use of the prescription monitoring program when prescribing opioid medications; to provide as it relates to exemptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:978(F)(1) is hereby amended and reenacted to read as follows:

§978. Prescriptions

* * *

F.(1) A prescriber or his delegate shall access and review the patient's record in the prescription monitoring program established in R.S. 40:1001 et seq. prior to initially prescribing any opioid to a patient, and shall access the prescription monitoring program and review the patient's record at least every ninety days if the patient's course of treatment continues for more than ninety days. The requirement established in this Subsection shall not apply in the following instances:

(a) The drug is prescribed or administered to a hospice patient or to any other patient who has been diagnosed as terminally ill.

1 (b) The drug is prescribed or administered for the treatment of cancer-related
2 chronic or intractable pain.

3 (c) The drug is ordered or administered to a patient being treated in a
4 hospital.

5 (d) The prescription monitoring program is inaccessible or not functioning
6 properly due to an internal or external electronic issue. ~~However, the~~ **The** prescriber
7 or his delegate, **however**, shall check the prescription monitoring program once
8 electronic accessibility has been restored and note the cause for the delay in the
9 patient's chart.

10 ~~(e) No more than a single seven-day supply of the drug is prescribed or~~
11 ~~administered to a patient.~~

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The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 362 Original

2020 Regular Session

Mizell

Present law provides that licensed healthcare practitioners must obtain a controlled dangerous substance license in Louisiana to prescribe prescription medications.

Present law provides that a medical practitioner shall not issue a prescription for more than a seven-day supply when issuing a first-time opioid prescription for outpatient use to an adult or minor patient with an acute condition.

Present law provides that a medical practitioner may issue more than a seven-day supply if the medical practitioner believes that a supply of more than a seven-day supply of an opioid is required to treat the following conditions:

- (1) Chronic pain management.
- (2) Pain associated with a cancer diagnosis.
- (3) Palliative care.

Present law provides for the use of the prescription monitoring program (PMP), which is a computer data base that allows medical practitioners and pharmacists to have access to a patient's critical controlled substance prescription history information. Present law provides for automatic enrollment into the PMP upon initial licensure or upon annual renewal of a prescriber's controlled dangerous substance license.

Present law provides that a prescriber must access the PMP when prescribing an opioid controlled dangerous substance and review the patient's record at least every 90 days if the patient's course of treatment continues for more than 90 days. Present law further provides for exceptions that do not require the PMP to be accessed under the following instances:

- (1) The opioid drug is prescribed or administered to a hospice or terminally ill patient.
- (2) The opioid is prescribed or administered for the treatment of cancer-related chronic or intractable pain.
- (3) The opioid is ordered or administered to a patient being treated in a hospital.
- (4) The PMP inaccessible or not functioning properly due to an internal or external electronic issue. Present law requires the prescriber or his delegate, however, to check the PMP once electronic accessibility has been restored and note the cause for the delay in the patient's chart.
- (5) No more than a single seven-day supply of an opioid is prescribed or administered to a patient.

Proposed law retains present law but removes the exception which exempts medical practitioners from the requirement to check the PMP when the opioid prescription is written for no more than a single seven day supply. Proposed law requires a medical practitioner to access the PMP when prescribing an opioid, regardless of whether the opioid will be prescribed for less or more than seven days, except when the PMP is inaccessible or not functioning or the patient has cancer or is terminally ill.

Effective August 1, 2020.

(Amends R.S. 40:978(F)(1))