HLS 19RS-695 ORIGINAL

2019 Regular Session

HOUSE BILL NO. 284

1

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

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 certain health professional licensing boards to take disciplinary action
7	against prescribers and pharmacists in connection with the prescribing and
8	dispensing of opioid drugs; and to provide for 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

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1	practitioner may issue a prescription for the quantity needed to treat the patient's
2	acute medical condition or pain.
3	(b) The condition triggering necessitating the prescription of an opioid for
4	more than a seven-day supply as authorized in Subparagraph (a) of this Paragraph
5	shall be documented in the patient's medical record. and the The practitioner shall
6	also indicate in the patient's medical record that a nonopioid alternative was not
7	appropriate to address the <u>patient's</u> medical condition.
8	(c) Any medical practitioner who writes a prescription for more than a
9	seven-day supply of an opioid, as authorized in Subparagraph (a) of this Paragraph,
10	shall clearly indicate on the prescription order all of the following:
11	(i) The quantity of the opioid needed to treat the patient's condition.
12	(ii) That the prescription is not subject to the seven-day limit on the supply
13	of an opioid provided in Paragraph (1) of this Subsection.
14	(d) Failure by a medical practitioner to comply with the requirements of
15	Subparagraph (b) or (c) of this Paragraph shall be deemed unauthorized practice and
16	a violation of the practitioner's practice standard, and shall subject the practitioner
17	to disciplinary action by the health profession licensing board which issues his
18	<u>license.</u>
19	* * *
20	H.
21	* * *
22	(2)(a)(i) A pharmacist filling a prescription for an opioid may dispense the
23	prescribed substance in an amount less than the recommended full quantity indicated
24	on the prescription if requested by the patient and the prescription complies with the
25	provisions of this Section. The patient may request that the pharmacist fill an
26	additional amount not to exceed the remaining prescribed quantity in accordance
27	with 21 U.S.C. 829.
28	(ii) If the patient does not request that his prescription for an opioid be
29	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. Failure by a pharmacist to comply with the
requirement provided in this Item shall subject the pharmacist to disciplinary action
by the Louisiana Board of Pharmacy. However, the requirement provided in this
Item shall not apply when a pharmacist limits the quantity of a controlled substance
he dispenses as authorized or required by the provisions of 21 CFR 1306.01 et seq.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 284 Original

2019 Regular Session

Abraham

Abstract: Institutes certain requirements for medical practitioners and pharmacists relative to prescribing and dispensing of opioid drugs.

<u>Present law</u> provides, with certain exceptions, that when issuing a first-time opioid prescription for outpatient use to a patient with an acute condition, a medical practitioner shall not issue a prescription for more than a seven-day supply of the opioid drug.

<u>Present law</u> authorizes a medical practitioner to prescribe more than a seven-day supply of an opioid drug if, in his professional medical judgment, more than a seven-day supply is necessary to treat the patient's condition. Requires that the condition necessitating more than a seven-day supply be documented in the patient's medical record, and that the practitioner indicate that a nonopioid alternative was not appropriate to address the patient's condition.

<u>Proposed law</u> retains <u>present law</u> and adds thereto a requirement that any practitioner who writes a prescription for more than a seven-day supply of an opioid, as authorized in <u>present law</u>, shall clearly indicate on the prescription order all of the following:

- (1) The quantity of the opioid needed to treat the patient's condition.
- (2) That the prescription is not subject to the seven-day limit on the supply of an opioid provided in present law.

<u>Proposed law</u> provides that failure by a practitioner to comply with the requirements of <u>proposed law</u> 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.

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> 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

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this requirement shall subject the pharmacist to disciplinary action by the La. Board of Pharmacy. Stipulates, however, that this requirement shall not apply when a pharmacist limits the quantity of a controlled substance he dispenses as authorized or required by federal regulations relative to prescriptions (21 CFR 1306.01 et seq.).

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