

SENATE BILL NO. 55

BY SENATORS MILLS AND THOMPSON AND REPRESENTATIVES BAGNERIS,
BILLIOT, HENSGENS, HOFFMANN, HOWARD, JACKSON,
JOHNSON, LEBAS, LYONS, DUSTIN MILLER, MORENO,
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Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 40:973(A) and 978(F) and to enact R.S. 40:978.3, relative to
3 prescribing controlled dangerous substances; to provide for automatic renewal in the
4 prescription monitoring program; to provide for mandated access of the program by
5 prescribers; to provide for exceptions; to provide for continuing education
6 requirements; to provide for rulemaking; to provide for effective dates; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:973(A) and 978(F) are hereby amended and reenacted to read as
10 follows:

11 §973. Licensing requirements

12 A.(1) Every person who conducts research with, manufactures, distributes,
13 procures, possesses, prescribes, or dispenses any controlled dangerous substance
14 within this state or who proposes to engage in the research, manufacture,
15 distribution, procurement, possession, prescribing, or dispensing of any controlled
16 dangerous substance within this state; shall obtain a controlled dangerous
17 substance license issued by the Board of Pharmacy in accordance with the rules and
18 regulations promulgated by it prior to engaging in such activity.

19 (2) Upon initial application or upon renewal of a controlled dangerous
20 substance license from the Board of Pharmacy, a prescribing practitioner shall
21 automatically and without further action be registered as a participant in the
22 Prescription Monitoring Program established in R.S. 40:1001 et seq. For
23 purposes of this Subsection, practitioner shall include those with prescription

authority for controlled substances in Louisiana, excluding veterinarians.

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§978. Prescriptions

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F.(1) A prescriber or his delegate shall access and review the patient's record in the Prescription Monitoring Program prior to initially prescribing any Schedule H controlled dangerous substance 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 for the treatment of non-cancer-related chronic or intractable pain. 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.

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

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

(d) The Prescription Monitoring Program is inaccessible or not functioning properly due to an internal or external electronic issue. However, the prescriber or his delegate shall check the Prescription Monitoring Program once electronic accessability has been restored and note the cause for the delay in the patient's chart.

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

(2) The provisions of this Subsection shall be enforced by the health profession licensing board that regulates the prescriber. Each health profession licensing board that regulates prescribers shall promulgate rules and regulations in accordance with the Administrative Procedure Act to comply with the mandate in this Subsection. If a health profession licensing board

1 becomes aware of a prescriber's failure to comply with this Subsection, the
2 board shall treat the notification as a complaint against the licensee, but shall
3 not consider such notice as evidence of deviation from standard of care.

4 Section 2. R.S. 40:978.3 is hereby enacted to read as follows:

5 **§978.3. Continuing education for the prescribing of controlled substances**

6 **A. The continuing education requirement established in this Section shall**
7 **apply to all practitioners with prescriptive authority in Louisiana that have a**
8 **controlled dangerous substance license in Louisiana.**

9 **B. Each licensing board that regulates practitioners with prescriptive**
10 **authority in Louisiana shall establish continuing education requirements as a**
11 **prerequisite to license renewal. Each board shall develop continuing education**
12 **criteria, to include drug diversion training, best practice prescribing of**
13 **controlled substances, appropriate treatment for addiction, and any other**
14 **matters regarding the prescribing of controlled dangerous substances that are**
15 **deemed appropriate by the board. Rules and regulations to implement this**
16 **Section shall be promulgated in accordance with the Administrative Procedure**
17 **Act. Such rules shall include all of the following:**

18 **(1) Each practitioner with prescriptive authority in Louisiana who holds**
19 **a controlled dangerous substance license shall obtain three credit hours of**
20 **continuing education as a prerequisite to license renewal with their professional**
21 **licensing board. Successful completion of this requirement once shall satisfy the**
22 **requirement in full.**

23 **(2) A practitioner with prescriptive authority in Louisiana who has a**
24 **controlled dangerous substance license shall be exempt from the continuing**
25 **education requirements for license renewal established in this Section if he**
26 **completes and submits to his licensing board a certification form developed by**
27 **his licensing board attesting that he has not prescribed, administered, or**
28 **dispensed a controlled dangerous substance during the entire applicable**
29 **reporting period. The licensing board shall verify the attestation of the**
30 **prescriber through the Prescription Monitoring Program.**

1 C. The licensing board shall provide its members with information on
2 how to access the continuing education courses as required by this Section and
3 shall retain annual compliance documentation that shall be submitted to the
4 Senate and House committees on health and welfare to demonstrate aggregate
5 prescriber compliance. No license shall be renewed for an individual who fails
6 to comply with the provisions of this Section.

7 D. The continuing education hours required by this Section shall be
8 considered among the credit hours required of the prescriber by the licensing
9 board on and after August 1, 2017, and shall not be considered an additional
10 requirement to be met by a prescriber.

11 Section 3. This Section, Section 1, and Section 4 of this Act shall become effective
12 upon signature by the governor or, if not signed by the governor, upon expiration of the time
13 for bills to become law without signature by the governor, as provided by Article III, Section
14 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
15 by the legislature, this Act shall become effective on the day following such approval.

16 Section 4. Section 2 of this Act shall become effective on January 1, 2018.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____