

2017 Regular Session

SENATE BILL NO. 55

BY SENATOR MILLS

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

HEALTH CARE. Provides relative to prescribers of controlled dangerous substances. (See Act)

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§973. Licensing requirements

A. (1) Every person who **conducts research with,** manufactures, distributes, **procures, possesses, prescribes** or dispenses any controlled dangerous substance within this state or who proposes to engage in the **research of,** manufacture, distribution, **procurement, possession, prescribing** or dispensing of any controlled dangerous substance within this state, shall obtain a **controlled dangerous substance** license issued by the Board of Pharmacy in accordance with the rules and

regulations promulgated by it prior to engaging in such activity.

(2) Upon initial application or upon renewal of a controlled dangerous substance license from the Board of Pharmacy, a prescribing practitioner shall automatically and without further action be registered as a participant in the Prescription Monitoring Program established in R.S. 40:1001 et seq. For purposes of this Subsection, a 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 must check the Prescription Monitoring Program once electronic accessibility has been restored and note the cause for the delay in the patient's chart.

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

3 (2) The provisions of this Subsection shall be enforced by the health
4 profession licensing board that regulates the prescriber. Each health profession
5 licensing board that regulates prescribers shall promulgate rules and
6 regulations in accordance with the Administrative Procedure Act to comply
7 with the mandate in this Subsection. If a health profession licensing board
8 becomes aware of a prescriber's failure to comply with this Subsection, they
9 shall treat the notification as a complaint against the licensee, but shall not
10 consider such notice as evidence of deviation from standard of care.

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

12 §978.3. Continuing education for the prescribing of controlled substances

13 A. The continuing education requirement established in this Section shall
14 apply to all practitioners with prescriptive authority in Louisiana that have a
15 controlled dangerous substance license in Louisiana.

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

25 (1) Each practitioner with prescriptive authority in Louisiana who holds
26 a controlled dangerous substance license shall obtain three credit hours of
27 continuing education as a prerequisite to license renewal with their professional
28 licensing board. Successful completion of this requirement once shall satisfy the
29 requirement in full.

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

9 **C. The licensing board shall provide its members with information on**
10 **how to access the continuing education courses as required by this Section and**
11 **shall retain annual compliance documentation that shall be submitted to the**
12 **Senate and House committees on health and welfare to demonstrate aggregate**
13 **prescriber compliance. No license shall be renewed for an individual who fails**
14 **to comply with the provisions of this Section.**

15 **D. The continuing education hours required by this Section shall be**
16 **considered among the credit hours required of the prescriber by the licensing**
17 **board on and after August 1, 2017, and shall not be considered an additional**
18 **requirement to be met by a prescriber.**

19 Section 3. Section 1 of this Act shall become effective upon signature by the
20 governor or, if not signed by the governor, upon expiration of the time for bills to become
21 law without signature by the governor, as provided by Article III, Section 18 of the
22 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
23 legislature, this Act shall become effective on the day following such approval.

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christine Arbo Peck.

to do so in Louisiana prior to engaging in any such activity.

Present law provides enrollment access to the Prescription Monitoring Program for prescribing practitioners. Proposed law establishes a process for automatic enrollment into the Prescription Monitoring Program upon initial licensure or upon annual renewal of a prescriber's controlled dangerous substance license.

Present law provides for when a prescriber shall access the Prescription Monitoring Program.

Proposed law expands the mandate to access the program prior to initially prescribing any opioid or if the patient's course of treatment continues for more than 90 days. It further provides for exceptions of when a prescriber does not have to check the program.

Proposed law requires all prescribers in Louisiana to obtain three continuing education credit hours as a prerequisite of license renewal in the first annual renewal cycle after January 1, 2018. Successful completion of the requirement once shall satisfy the requirement in full. The course shall be in drug diversion training, best practice prescribing of controlled substances, and appropriate treatment for addiction.

Proposed law requires the health profession licensing boards that regulate prescribing practitioners to promulgate rules and regulations to implement the continuing education requirements established by this law, requires the boards to collect and maintain data on compliance and submit aggregate data to the Senate and House committees on health and welfare regarding compliance, and clarifies that these continuing education hours shall be considered among those already required at the time of passage of this law and not be in addition to what is already required.

Proposed law provisions relative to licensing requirements and prescription requirements are effective upon signature of the governor or upon lapse of gubernatorial action. Proposed law provisions relative to continuing education are effective January 1, 2018.

(Amends R.S. 40:973(A) and 978(F); adds R.S. 40:978.3)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Clarifies that the prescriber or his delegate can access the prescription monitoring program (PMP).
2. Changes the drug classification that requires prescribers to access the PMP from Schedule II controlled dangerous substances to opioids.
3. Adds exemptions from accessing the system if a patient is being treated in a hospital or if the prescription is for less than seven days.
4. Eliminates the need for subsequent continuing education after the first three hour credit is earned.