

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)

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 of, 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

1 regulations promulgated by it prior to engaging in such activity.

2 (2) Upon initial application or upon renewal of a controlled dangerous  
3 substance license from the Board of Pharmacy, a prescribing practitioner shall  
4 automatically and without further action be registered as a participant in the  
5 Prescription Monitoring Program established in R.S. 40:1001 et seq. For  
6 purposes of this Subsection, a practitioner shall include those with prescription  
7 authority for controlled substances in Louisiana, excluding veterinarians.

8 \* \* \*

9 §978. Prescriptions

10 \* \* \*

11 F.(1) A prescriber shall access and review the patient's record in the  
12 Prescription Monitoring Program prior to initially prescribing any Schedule II  
13 controlled dangerous substance to a patient and shall access the Prescription  
14 Monitoring Program and review the patient's record at least every ninety days  
15 if the patient's course of treatment continues for more than ninety days ~~for the~~  
16 ~~treatment of non-cancer-related chronic or intractable pain.~~ The requirement  
17 established in this Subsection shall not apply in the following instances:

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

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

22 (c) The drug is ordered or administered to a hospital inpatient.

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

28 (2) The provisions of this Subsection shall be enforced by the health  
29 profession licensing board that regulates the prescriber. Each health profession

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

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

8 **§978.3. Continuing education for the prescribing of controlled substances**

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

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

21 **(1) Each practitioner with prescriptive authority in Louisiana who**  
22 **receives his initial controlled dangerous substance license shall obtain three**  
23 **credit hours of continuing education as a prerequisite to license renewal.**

24 **(2) Each practitioner with prescriptive authority in Louisiana who has**  
25 **held his controlled dangerous substance license for longer than one year shall**  
26 **obtain three credit hours of continuing education as a prerequisite to license**  
27 **renewal.**

28 **(3) After a practitioner with prescriptive authority in Louisiana satisfies**  
29 **the requirements in Paragraphs (1) or (2) of this Subsection, he shall thereafter**

1 obtain three credit hours of continuing education over the duration of a  
2 three-year time period as a prerequisite to license renewal.

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

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

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

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

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

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

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DIGEST

SB 55 Original 2017 Regular Session Mills

Present law provides for who must obtain a controlled dangerous substance license in Louisiana. Proposed law clarifies that individuals who conduct research with, procure, possess, or prescribe controlled dangerous substances in Louisiana must also obtain a license 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 Schedule II controlled dangerous substance 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, and three course hours in a three year period prior to subsequent renewals. Continuing education 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)