

SENATE BILL NO. 55

BY SENATORS MILLS AND THOMPSON AND REPRESENTATIVES BAGNERIS,  
BILLIOT, HENSGENS, HOFFMANN, HOWARD, JACKSON,  
JOHNSON, LEBAS, LYONS, DUSTIN MILLER, MORENO,  
NORTON, POPE, STAGNI, THIBAUT AND WHITE

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

1 authority for controlled substances in Louisiana, excluding veterinarians.

2 \* \* \*

3 §978. Prescriptions

4 \* \* \*

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

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

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

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

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

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

26 (2) The provisions of this Subsection shall be enforced by the health  
 27 profession licensing board that regulates the prescriber. Each health profession  
 28 licensing board that regulates prescribers shall promulgate rules and  
 29 regulations in accordance with the Administrative Procedure Act to comply  
 30 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.

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 PRESIDENT OF THE SENATE

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_