

2018 Regular Session

SENATE BILL NO. 75

BY SENATOR BOUDREAUX

HEALTH CARE. Provides relative to the prescription monitoring program. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 40:978(F)(2), relative to the prescription monitoring program;
3 to provide for prescriber notice from his licensing board upon first failure to comply
4 with certain statutory requirements; to provide for a complaint against the prescriber
5 upon second and subsequent failures to comply with certain statutory requirements;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:978(F)(2) is hereby amended and reenacted to read as follows:

9 §978. Prescriptions

10		*	*	*
11	F.	*	*	*
12		*	*	*

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

1
2
3
4
5
6
7
8
9
10

prescriber's **first** failure to comply with this Subsection, **as verified by the data of the Prescription Monitoring Program, the board shall notify the prescriber of the relevant statutory requirements and inform the prescriber of the need to correct or amend his prescribing practices to comply with the provisions of this Subsection. If a health profession licensing board becomes aware of a second or subsequent failure to comply with this Subsection, as verified by the data of the Prescription Monitoring Program,** the board shall treat the notification as a complaint against the licensee, but shall not consider such notice as evidence of deviation from standard of care.

* * *

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

DIGEST

SB 75 Original

2018 Regular Session

Boudreaux

Present law provides that when a health profession licensing board becomes aware of a prescriber's failure to comply with Prescription Monitoring Program (PMP) access requirements, the board shall consider such notice as a complaint against the licensee.

Proposed law provides that the health profession licensing board shall give the prescriber notice and opportunity to come into compliance with the statutory PMP requirements upon the prescriber's first failure to comply and shall consider second and subsequent failures to comply as a complaint against the licensee.

Effective August 1, 2018.

(Amends R.S. 40:978(F)(2))