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

DIGEST

SB 90 Engrossed 2018 Regular Session Mills

Proposed law requires LDH to establish and post a voluntary nonopioid directive form on its website to allow a patient to voluntarily opt-out of receiving opioid prescriptions from his prescribing practitioner(s). Proposed law allows a patient and his prescribing practitioner to sign, execute, and file the nonopioid directive. Proposed law allows a patient to appoint a duly authorized guardian or health care representative to override an opt-out directive orally or in writing, for any reason, at any time.

Proposed law provides immunity from civil, criminal, and professional licensure sanctions for pharmacists who dispense an opioid based on an electronic prescription, prescribing practitioners acting with reasonable care for refusing to issue an opioid prescription, an authorized guardian or health care representative for revoking the nonopioid directive, and a prescribing practitioner for issuing a prescription for or administering a controlled substance containing an opioid when he was not a party to the executed and filed nonopioid directive.

Proposed law authorizes health professional licensing boards that regulate prescribers to promulgate rules regarding disciplinary action against a prescribing practitioner who willfully fails to comply with a patient's voluntary nonopioid directive form.

Effective August 1, 2018.

(Adds R.S. 40:1156.1)

Summary of Amendments Adopted by Senate

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

1. Provides additional clarification on the steps required to execute the nonopioid directive to confirm that the directive is only applicable between the prescriber and patient that executed the directive.

2. Provides that the duly authorized representative is empowered by provisions of current law regarding medical consent.

3. Removes specific exemptions from liability for emergency department prescribers and makes exemption applicable to all prescribers who are not a party to the nonopioid directive.