
DIGEST

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HB 117 Original

2022 Regular Session

Echols

Abstract: Authorizes the prescription, administration, and dispensing of certain drugs for off-label use by healthcare professionals with prescriptive authority.

Present law provides for licensure and regulation by the state of various types of healthcare professionals.

Proposed law retains present law and authorizes any person who is licensed to practice a healthcare profession pursuant to present law, and who has prescriptive authority, to prescribe, administer, or dispense for an off-label use a drug that has been approved for a specific use by the United States Food and Drug Administration (FDA) when he determines, in his professional judgment, that such off-label use is appropriate for the care and treatment of a patient.

Proposed law prohibits healthcare professional licensing boards and commission created by present law from initiating any disciplinary proceeding against a licensed healthcare professional with prescriptive authority for prescribing, administering, or dispensing for an off-label use a drug that has been approved for a specific use by the FDA.

Proposed law stipulates that no licensed healthcare professional with prescriptive authority who prescribes, administers, or dispenses for an off-label use a drug that has been approved for a specific use by the FDA shall be subject to disciplinary action solely because of such prescribing, administering, or dispensing.

Proposed law prohibits pharmacists from refusing to dispense a drug for which a prescriber has issued a valid prescription in accordance with proposed law.

Proposed law provides that nothing therein shall be construed to grant any person immunity from investigation or disciplinary action for violating any provision of present law relative to healthcare professions and occupations.

Proposed law prohibits hospitals from denying, revoking, terminating, diminishing, or curtailing in any way any professional or clinical privilege of any person who is licensed to practice a healthcare profession pursuant to present law and has prescriptive authority solely on the grounds that the person has prescribed, administered, or dispensed for off-label use a drug that has been approved for a specific use by the FDA if such prescribing, administering, or dispensing was done in accordance with proposed law.

Proposed law defines "off-label use", for purposes of proposed law, as the use of a prescription drug for an indication for which it has not been approved by the FDA or the use of such drug in an age group, dosage, or route of administration that has not been approved by the FDA.

(Adds R.S. 37:1704 and R.S. 40:2109.4)