

Regular Session, 2011

SENATE BILL NO. 223

BY SENATOR MOUNT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONTROL DANGER SUBSTANCE. Allows the use of electronic prescribing. (gov sig)

1 AN ACT
2 To amend and reenact R.S. 40:978(A) and (B) and R.S. 46:2622(17) and to enact R.S.
3 40:978(D), relative to electronic prescribing; to allow for the electronic prescribing
4 of certain controlled dangerous substances; to provide for definition of prescription
5 for the purposes of the Louisiana Medical Assistance trust fund; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:978(A) and (B) are hereby amended and reenacted and R.S.
9 40:978(D) is hereby enacted to read as follows:

10 §978. Prescriptions

11 A. Except when dispensed or administered directly by a medical practitioner
12 or administered by a person authorized to administer by such practitioner, other than
13 a pharmacist, to an ultimate user, no controlled dangerous substance included in
14 Schedule II, which is a prescription drug as determined under the Louisiana Revised
15 Statutes, of 1950, may be dispensed or administered without **either** the written
16 prescription of a practitioner, **or an electronic prescription order as provided by**
17 **federal law or regulation**, except that in emergency situations, as prescribed by the

1 department by regulation, such drug may be dispensed or administered upon oral
 2 prescription reduced promptly to writing and filed by the pharmacist. Prescriptions
 3 shall be retained in conformity with the requirements of R.S. 40:976. No prescription
 4 for a Schedule II substance may be refilled.

5 B. Except when dispensed or administered directly by a practitioner or
 6 administered by a person authorized to administer by such practitioner, other than
 7 a pharmacist, to an ultimate user, no controlled dangerous substance included in
 8 Schedule III and IV which is a prescription drug as determined under the Louisiana
 9 Revised Statutes may be dispensed or administered without either a written, ~~or an~~
 10 oral prescription **or an electronic prescription order as provided by federal law**
 11 **or regulation**. Such prescription may not be filled or refilled more than six months
 12 after the date thereof or refilled more than five times after the date of the
 13 prescription, unless renewed by the practitioner.

14 * * *

15 **D. Notwithstanding the requirements of this Section, a prescription for**
 16 **a controlled substance listed in Schedule II, III, IV, or V may be generated,**
 17 **signed, transmitted, and received in electronic form, but only in conformance**
 18 **with the federal rules established by the United States Drug Enforcement**
 19 **Administration at 21 CFR 1311.**

20 Section 2. R.S. 46:2622(17) is hereby amended and reenacted to read as follows:

21 §2622. Definitions

22 As used in this Chapter, the following terms shall have the following
 23 meanings:

24 * * *

25 (17) "Prescription" means a physician's order, written, ~~or~~ oral, **or**
 26 **electronically transmitted** for a drug, chemical, medicine, device, or a combination
 27 thereof, that is filled, compounded, or dispensed by a licensed or registered
 28 pharmacist or dispensing physician.

29 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Greg Waddell.

DIGEST

Present law requires prescriptions for Schedule II controlled dangerous substances to be in writing.

Proposed law retains present law and additionally allows a prescription for a Schedule II controlled dangerous substances to be in an electronic format which is in accordance with federal law and regulation.

Present law requires prescriptions for Schedule III and IV controlled dangerous substances to be in writing or an oral prescription.

Proposed law retains present law and additionally allows a prescription for a Schedule III and IV controlled dangerous substances to be in an electronic format which is in accordance with federal law and regulation.

Proposed law provides that a prescription for a controlled substance listed in Schedule II, III, IV, or V may be generated, signed, transmitted, and received in electronic form, but only in conformance with the federal rules established by the United States Drug Enforcement Administration at 21 CFR 1311.

Proposed law expands the definition of prescription to encompass an electronic prescription order for the purposes of the Louisiana Medical Assistance Trust Fund.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:978(A) and (B) and R.S. 46:2622(17); adds R.S. 40:978(D))