

2016 Regular Session

HOUSE BILL NO. 1054

BY REPRESENTATIVE HUNTER

DRUGS/CONTROLLED: Provides relative to prescribing of controlled dangerous substances

1 AN ACT
2 To amend and reenact R.S. 40:978(A), 1002, and 1004(C) and to enact R.S. 40:1004(D) and
3 1005(D), relative to prescribing of certain controlled dangerous substances; to
4 require that such prescribing occur by exclusive means of electronic prescription
5 orders; to provide for enforceability of the electronic prescribing requirement; to
6 provide relative to the prescription monitoring program of this state and the
7 electronic prescription monitoring information system thereof; to provide for
8 functions of the prescription monitoring program advisory council; and to provide
9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:978(A), 1002, and 1004(C) are hereby amended and reenacted
12 and R.S. 40:1004(D) and 1005(D) are hereby enacted to read as follows:

13 §978. Prescriptions

14 A. Except when dispensed or administered directly by a medical practitioner
15 or administered by a person authorized to administer by such practitioner, other than
16 a pharmacist, to an ultimate user, no controlled dangerous substance included in
17 Schedule II, which is a prescription drug as determined under the Louisiana Revised
18 Statutes of 1950, may be dispensed or administered without ~~either the written~~
19 ~~prescription of a practitioner, or~~ an electronic prescription order as provided by

1 federal law or regulation, except that in emergency situations, as prescribed by the
2 department by regulation, such drug may be dispensed or administered upon oral
3 prescription reduced promptly to writing and filed by the pharmacist. Prescriptions
4 shall be retained in conformity with the requirements of R.S. 40:976. No
5 prescription for a Schedule II substance may be refilled nor may such prescription
6 be filled more than ninety days after the date of the prescription.

7 * * *

8 §1002. ~~Purpose~~ Findings; purpose

9 A.(1) With respect to prescribing of controlled substances, the legislature
10 hereby finds the following:

11 (a) Over-prescribing of controlled substances, particularly opioid pain
12 medications, has occurred on a dramatically increasing basis in this state and
13 nationally since the mid-2000s as physicians generally have become less restrained
14 in prescribing these drugs.

15 (b) While the majority of patients to whom pain medications are prescribed
16 use these drugs safely and with no intention of abusing the drugs, an ever-growing
17 number of patients are becoming addicted to these medications, exacerbating the
18 growing problem of drug diversion.

19 (c) Addiction to and abuse of controlled substances are both a cause and
20 effect of drug diversion, and have terrible and often tragic consequences for
21 individuals and families.

22 (2) The legislature hereby declares that diversion of controlled dangerous
23 substances is a major public health and safety concern in this state.

24 B. The purpose of this Part is to authorize the development, implementation,
25 operation, and evaluation of an electronic system for the monitoring of controlled
26 substances and other drugs of concern that are dispensed in the state or dispensed to
27 an address within the state. The goal of the program is to improve the state's ability
28 to identify and inhibit the diversion of controlled substances and drugs in an efficient

1 and cost-effective manner and in a manner that shall not impede the appropriate
2 utilization of these drugs for legitimate medical purposes.

3 * * *

4 §1004. Establishment of prescription monitoring program

5 * * *

6 C. The electronic monitoring system shall facilitate access on a real-time
7 basis to prescription monitoring information by the persons who are duly authorized
8 by the provisions of this Part to obtain such information.

9 D. The provisions of this ~~This~~ Part shall not apply to any person licensed
10 pursuant to R.S. 37:1511 et seq.

11 §1005. Advisory council

12 * * *

13 D. In addition to the other functions and duties provided in this Section, the
14 advisory council may also serve as an advisory body to the board, to the office of the
15 governor, and to the legislature on matters relating to prescribing of controlled
16 substances that include, without limitation, the following:

17 (1) Best practices and programs for continuing education for prescribers and
18 pharmacists on pain management.

19 (2) Statewide implementation of and ongoing compliance by prescribers with
20 the provisions of R.S. 40:978(A) requiring that dispensing or administering of a
21 Schedule II controlled dangerous substance may only occur pursuant to an electronic
22 prescription order.

23 Section 2. The provisions of R.S. 40:978(A), as amended by Section 1 of this Act,
24 which require that dispensing or administering of a Schedule II controlled dangerous
25 substance may only occur pursuant to an electronic prescription order shall become
26 enforceable on January 1, 2018.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1054 Original

2016 Regular Session

Hunter

Abstract: Requires that prescribing of certain controlled dangerous substances occur by exclusive means of electronic prescription orders, and provides for functions of the state's prescription monitoring program.

Present law provides that except in certain emergency situations, no Schedule II controlled dangerous substance may be dispensed or administered without either a written prescription or an electronic prescription order as provided by federal law or regulation.

Proposed law deletes the authorization for written prescriptions for Schedule II controlled dangerous substances, thereby requiring that prescribing of these medications occur by exclusive means of electronic prescription orders. Provides that this requirement for electronic prescribing of Schedule II controlled dangerous substances exclusively shall become enforceable on January 1, 2018.

Proposed law provides for legislative findings relative to prescribing of controlled substances.

Present law requires the La. Board of Pharmacy to establish and maintain a prescription monitoring program for the monitoring of controlled substances and other drugs of concern. Provides that the goal of the program is to improve the state's ability to identify and inhibit the diversion of controlled substances and drugs in an efficient and cost-effective manner and in a manner that shall not impede the appropriate utilization of these drugs for legitimate medical purposes.

Proposed law retains present law relative to the prescription monitoring program and adds thereto a requirement that the program's electronic monitoring system facilitate access on a real-time basis to prescription monitoring information by the persons who are authorized by the provisions of present law to obtain such information.

Present law establishes and provides for duties of a prescription monitoring program advisory council.

Proposed law retains present law relative to the prescription monitoring program advisory council and adds thereto an authorization for the council to serve as an advisory body to the La. Board of Pharmacy, to the office of the governor, and to the legislature on matters relating to prescribing of controlled substances that include, without limitation, the following:

- (1) Best practices and programs for continuing education for prescribers and pharmacists on pain management.
- (2) Statewide implementation of and ongoing compliance by prescribers with the provisions of proposed law requiring that dispensing or administering of a Schedule II controlled dangerous substance may only occur pursuant to an electronic prescription order.

(Amends R.S. 40:978(A), 1002, and 1004(C); Adds R.S. 40:1004(D) and 1005(D))