

**HOUSE BILL NO. 53**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE KELLER**

**Introduced: 1/11/13**

**Referred: Prefiled**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act establishing a consultation requirement with respect to the prescription of**  
2 **opiates under certain circumstances."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 08.64 is amended by adding a new section to article 3 to read:

5 **Sec. 08.64.364. Prescription of opiates; consultation requirement.** (a)

6 Except as provided in (c) of this section, a physician, osteopath, or podiatrist who  
7 prescribes 120 milligrams or more a day of an opiate to a patient shall consult with a  
8 pain management specialist.

9 (b) The consultation required under (a) of this section must consist of at least  
10 one of the following:

11 (1) an office visit with the patient and the pain management specialist;

12 (2) a telephone or electronic consultation between the pain  
13 management specialist and the physician, osteopath, or podiatrist; or

14 (3) an audio-visual evaluation conducted remotely by the pain

1 management specialist, at which the patient is present with either

2 (A) the physician, osteopath, or podiatrist; or

3 (B) a licensed health care practitioner designated by the  
4 physician, osteopath, podiatrist, or pain management specialist.

5 (c) The consultation requirement under (a) of this section does not apply to

6 (1) the provision of palliative, hospice, or other end-of-life care;

7 (2) the management of acute pain caused by an injury or a surgical  
8 procedure;

9 (3) a patient who is following a tapering schedule;

10 (4) a patient who requires treatment for acute pain that necessitates a  
11 temporary escalation in opiate dosage before an expected return to or below the  
12 patient's baseline dosage;

13 (5) a situation in which the physician, osteopath, or podiatrist  
14 documents reasonable attempts to obtain a consultation with a pain management  
15 specialist, and the circumstances justify prescribing 120 milligrams or more a day of  
16 an opiate without obtaining a consultation;

17 (6) a patient whose pain and function are stable and who is on a  
18 nonescalating dose of an opiate; or

19 (7) the practice of a physician, osteopath, or podiatrist who is a pain  
20 management specialist.

21 (d) The board shall adopt regulations that define the procedure for the board to  
22 approve a physician, osteopath, or podiatrist as a pain management specialist. The  
23 regulations must require the physician, osteopath, or podiatrist to have a

24 (1) certification in pain management care by a credentialing agency or  
25 organization acceptable to the board;

26 (2) minimum of three years of clinical experience acceptable to the  
27 board in a pain management care setting; or

28 (3) current practice at least 30 percent of which consists of the direct  
29 provision of pain management care.

30 (e) In this section,

31 (1) "advanced nurse practitioner" has the meaning given in

1 AS 08.68.850;

2 (2) "opiate" has the meaning given in AS 11.71.900;

3 (3) "pain management specialist" means

4 (A) a physician, osteopath, or podiatrist approved by the board  
5 as a pain management specialist; or

6 (B) an advanced nurse practitioner approved as a pain  
7 management specialist by the Board of Nursing under AS 08.68.701.

8 \* **Sec. 2.** AS 08.68 is amended by adding a new section to article 6 to read:

9 **Sec. 08.68.701. Prescription of opiates; consultation requirement.** (a)

10 Except as provided in (c) of this section, an advanced nurse practitioner who  
11 prescribes 120 milligrams or more a day of an opiate to a patient shall consult with a  
12 pain management specialist.

13 (b) The consultation required under (a) of this section must consist of at least  
14 one of the following:

15 (1) an office visit with the patient and the pain management specialist;

16 (2) a telephone or electronic consultation between the pain  
17 management specialist and the advanced nurse practitioner; or

18 (3) an audio-visual evaluation conducted remotely by the pain  
19 management specialist, at which the patient is present with either

20 (A) the advanced nurse practitioner; or

21 (B) a licensed health care practitioner designated by the  
22 advanced nurse practitioner or pain management specialist.

23 (c) The consultation requirement under (a) of this section does not apply to

24 (1) the provision of palliative, hospice, or other end-of-life care;

25 (2) the management of acute pain caused by an injury or surgical  
26 procedure;

27 (3) a patient who is following a tapering schedule;

28 (4) a patient who requires treatment for acute pain that necessitates a  
29 temporary escalation in opiate dosage before an expected return to or below the  
30 patient's baseline dosage;

31 (5) a situation in which the advanced nurse practitioner documents

1 reasonable attempts to obtain a consultation with a pain management specialist, and  
 2 the circumstances justify prescribing 120 milligrams or more a day of an opiate  
 3 without obtaining a consultation;

4 (6) a patient whose pain and function are stable and who is on a  
 5 nonescalating dose of an opiate; or

6 (7) the practice of an advanced nurse practitioner who is a pain  
 7 management specialist.

8 (d) The board shall adopt regulations that define the procedure for the board to  
 9 approve an advanced nurse practitioner as a pain management specialist. The  
 10 regulations must require the advanced nurse practitioner to have a

11 (1) certification in pain management care by a credentialing agency or  
 12 organization acceptable to the board;

13 (2) minimum of three years of clinical experience acceptable to the  
 14 board in a pain management care setting; or

15 (3) current practice at least 30 percent of which consists of the direct  
 16 provision of pain management care.

17 (e) In this section,

18 (1) "opiate" has the meaning given in AS 11.71.900;

19 (2) "osteopath" means a person licensed to practice osteopathy under  
 20 AS 08.64;

21 (3) "pain management specialist" means

22 (A) a physician, osteopath, or podiatrist approved as a pain  
 23 management specialist by the State Medical Board under AS 08.64.364; or

24 (B) an advanced nurse practitioner approved by the board as a  
 25 pain management specialist;

26 (4) "physician" means a person licensed to practice medicine under  
 27 AS 08.64;

28 (5) "podiatrist" means a person licensed to practice podiatry under  
 29 AS 08.64.