2019 Regular Session

HOUSE BILL NO. 284

BY REPRESENTATIVE ABRAHAM

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana. DRUGS/PRESCRIPTION: Provides relative to prescribing and dispensing of opioid drugs

1	AN ACT			
2	To amend and reenact R.S. 40:978(G)(2) and (H)(2)(a), relative to prescribing and			
3	dispensing of opioid drugs; to institute certain requirements for prescribers of such			
4	drugs; to institute certain requirements for pharmacists relative to dispensing of such			
5	drugs; to provide for unauthorized practices by prescribers and pharmacists; to			
6	authorize the Louisiana Board of Pharmacy to take disciplinary action against			
7	pharmacists in connection with the dispensing of opioid drugs; and to provide for			
8	related matters.			
9	Be it enacted by the Legislature of Louisiana:			
10	Section 1. R.S. 40:978(G)(2) and (H)(2)(a) are hereby amended and reenacted to			
11	read as follows:			
12	§978. Prescriptions			
13	* * *			
14	G.			
15	* * *			
16	(2)(a) If, in the professional medical judgment of a medical practitioner,			
17	more than a seven-day supply of an opioid is required to treat the adult or minor			
18	patient's acute medical condition or is necessary for the treatment of chronic pain			
19	management, pain associated with a cancer diagnosis, or for palliative care, the			

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	practitioner may issue a prescription for the quantity needed to treat the patient's
2	acute medical condition or pain.
3	(b) The condition triggering necessitating the prescription of an opioid for
4	more than a seven-day supply as authorized in Subparagraph (a) of this Paragraph
5	shall be documented in the patient's medical record. and the The practitioner shall
6	also indicate in the patient's medical record that a nonopioid alternative was not
7	appropriate to address the <u>patient's</u> medical condition.
8	(c) Any medical practitioner who writes a prescription for more than a
9	seven-day supply of an opioid, as authorized in Subparagraph (a) of this Paragraph,
10	shall clearly indicate on the prescription order that the prescription is not subject to
11	the seven-day limit on the supply of an opioid provided in Paragraph (1) of this
12	Subsection.
13	(d) If the pharmacist fails to dispense the prescribed amount, he shall notify
14	the prescriber within twenty-four hours.
15	* * *
16	Н.
17	* * *
18	(2)(a)(i) A pharmacist filling a prescription for an opioid may dispense the
19	prescribed substance in an amount less than the recommended full quantity indicated
20	on the prescription if requested by the patient and the prescription complies with the
21	provisions of this Section. The patient may request that the pharmacist fill an
22	additional amount not to exceed the remaining prescribed quantity in accordance
23	with 21 U.S.C. 829.
24	(ii) If the patient does not request that his prescription for an opioid be
25	dispensed in an amount less than the recommended full quantity indicated on the
26	prescription, then the pharmacist shall dispense to the patient the full quantity
27	indicated on the prescription. Failure by a pharmacist to comply with the
28	requirement provided in this Item may subject the pharmacist to disciplinary action
29	by the Louisiana Board of Pharmacy.

1	(iii) If the pharmacist limits the quantity of a controlled substance he
2	dispenses as authorized or required by the provisions of 21 CFR 1306.01 et seq., he
3	shall notify the prescriber within twenty-four hours.
4	* * *

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 284 Engrossed	2019 Regular Session	Abraham
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Abstract: Institutes certain requirements for medical practitioners and pharmacists relative to prescribing and dispensing of opioid drugs.

<u>Present law</u> provides, with certain exceptions, that when issuing a first-time opioid prescription for outpatient use to a patient with an acute condition, a medical practitioner shall not issue a prescription for more than a seven-day supply of the opioid drug.

<u>Present law</u> authorizes a medical practitioner to prescribe more than a seven-day supply of an opioid drug if, in his professional medical judgment, more than a seven-day supply is necessary to treat the patient's condition. Requires that the condition necessitating more than a seven-day supply be documented in the patient's medical record, and that the practitioner indicate that a nonopioid alternative was not appropriate to address the patient's condition.

<u>Proposed law</u> retains <u>present law</u> and adds thereto a requirement that any practitioner who writes a prescription for more than a seven-day supply of an opioid, as authorized in <u>present</u> <u>law</u>, shall clearly indicate on the prescription order that the prescription is not subject to the seven-day limit on the supply of the opioid.

<u>Proposed law</u> provides that if a pharmacist fails to dispense the prescribed amount of an opioid drug, he shall notify the prescriber within 24 hours.

<u>Present law</u> authorizes a pharmacist filling a prescription for an opioid to dispense the drug in an amount less than the recommended full quantity indicated on the prescription if requested by the patient.

<u>Proposed law</u> retains <u>present law</u> and stipulates that if the patient does not request that his prescription for an opioid be dispensed in an amount less than the recommended full quantity indicated on the prescription, then the pharmacist shall dispense to the patient the full quantity indicated on the prescription. Provides that failure by a pharmacist to comply with this requirement may subject the pharmacist to disciplinary action by the La. Board of Pharmacy.

<u>Proposed law</u> requires that if a pharmacist limits the quantity of a controlled substance he dispenses as authorized or required by federal regulation, he shall notify the prescriber within 24 hours.

(Amends R.S. 40:978(G)(2) and (H)(2)(a))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Health and Welfare</u> to the <u>original</u> bill:
- 1. Delete provisions of <u>proposed law</u> that duplicate <u>present law</u> requiring that the quantity of a prescription drug be indicated on a prescription order.
- 2. Delete <u>proposed law</u> providing that failure by a medical practitioner to comply with <u>proposed law</u> shall be deemed unauthorized practice and a violation of the practitioner's practice standard, and shall subject the practitioner to disciplinary action by the health profession licensing board which issues his license.
- 3. Provide that if a pharmacist fails to dispense the prescribed amount of an opioid drug, he shall notify the prescriber within 24 hours.
- 4. Revise <u>proposed law</u> providing that failure by a pharmacist to comply with <u>proposed law</u> shall subject him to disciplinary action by the La. Board of Pharmacy to provide, instead, that the board may take disciplinary action in such cases.
- 5. Delete <u>proposed law</u> stipulating that <u>proposed law</u> shall not apply when a pharmacist limits the quantity of a controlled substance he dispenses as authorized or required by federal regulation.
- 6. Provide that if a pharmacist limits the quantity of a controlled substance he dispenses as authorized or required by federal regulation, he shall notify the prescriber within 24 hours.