

1 SENATE BILL 263

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

4 Richard C. Martinez

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10 AN ACT

11 RELATING TO HEALTH CARE; REQUIRING A PRACTITIONER WHO
12 PRESCRIBES, ADMINISTERS OR DISPENSES AN OPIOID TO A PATIENT TO
13 OBTAIN AND REVIEW REPORTS FROM THE STATE'S PRESCRIPTION
14 MONITORING PROGRAM AND FROM OTHER STATES, IF ACCESSIBLE, FOR
15 SUCH PATIENT.

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. A new section of the New Mexico Drug, Device
19 and Cosmetic Act is enacted to read:

20 "[NEW MATERIAL] OPIOIDS--REQUIRING PRACTITIONERS TO OBTAIN
21 AND REVIEW REPORTS FROM THE PRESCRIPTION MONITORING PROGRAM.--

22 A. For purposes of this section:

23 (1) "opioid" means the class of drugs that
24 includes the natural derivatives of opium, which are morphine
25 and codeine, and related synthetic and semi-synthetic compounds

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1 that act upon opioid receptors;

2 (2) "practitioner" does not include a
3 veterinarian or euthanasia technician;

4 (3) "prescription monitoring program" means a
5 program that includes a centralized system to collect, monitor
6 and analyze electronically, for Schedule II through V
7 controlled substances, prescribing and dispensing data
8 submitted by dispensers; and

9 (4) "Schedule II through V controlled
10 substance" means a substance listed in Schedule II, III, IV or
11 V pursuant to the Controlled Substances Act or the federal
12 controlled substances regulation, pursuant to 21 U.S.C. 812.

13 B. Before a practitioner prescribes, administers or
14 dispenses an opioid for the first time to a patient, the
15 practitioner shall obtain and review a report from the state's
16 prescription monitoring program for such patient for the
17 previous twelve calendar months. If the practitioner has
18 access to a similar report from another state for the patient,
19 the practitioner shall also obtain and review that report.

20 C. A practitioner shall obtain and review a report
21 from the state's prescription monitoring program and similar
22 reports from another state, if any, no less than once every
23 three months for each established patient for whom the
24 practitioner continuously prescribes, administers or dispenses
25 opioids.

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1 D. A practitioner shall document the receipt and
2 review of reports required by this section in the patient's
3 medical record.

4 E. Nothing in this section shall be construed to
5 prevent a practitioner from obtaining and reviewing a report
6 regarding a practitioner's patient from the state's
7 prescription monitoring program or a similar report from
8 another state with greater frequency than that required by this
9 section, in accordance with the practitioner's professional
10 judgment.

11 F. The professional licensing board of each
12 category of practitioner that is licensed or otherwise
13 authorized to prescribe, administer or dispense an opioid shall
14 promulgate rules to implement the provisions of this section."

15 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
16 provisions of this act is January 1, 2017.