

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2350

By: Caldwell (Chad)

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6 AS INTRODUCED

7 An Act relating to regulation of opioid drugs;
8 amending Section 5, Chapter 175, O.S.L. 2018 (63 O.S.
9 Supp. 2018, Section 2-309I), which relates to
10 prescription limits and rules for opioid drugs;
11 providing exceptions for prescription limits; and
12 providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY Section 5, Chapter 175, O.S.L.
15 2018 (63 O.S. Supp. 2018, Section 2-309I), is amended to read as
16 follows:

17 Section 2-309I. A. A practitioner shall not issue an initial
18 prescription for an opioid drug which is a prescription drug in a
19 quantity exceeding a seven-day supply for treatment of acute pain
20 for an adult patient, or a seven-day supply for treatment of acute
21 pain for a patient under the age of eighteen (18) years old. Any
22 prescription for acute pain pursuant to this subsection shall be for
23 the lowest effective dose of immediate-release opioid drug.
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1 B. Prior to issuing an initial prescription of a Schedule II
2 controlled dangerous substance or any opioid drug that is a
3 prescription drug in a course of treatment for acute or chronic
4 pain, a practitioner shall:

5 1. Take and document the results of a thorough medical history,
6 including the experience of the patient with nonopioid medication
7 and nonpharmacological pain-management approaches and substance
8 abuse history;

9 2. Conduct, as appropriate, and document the results of a
10 physical examination;

11 3. Develop a treatment plan with particular attention focused
12 on determining the cause of pain of the patient;

13 4. Access relevant prescription monitoring information from the
14 central repository pursuant to Section 2-309D of Title 63 of the
15 Oklahoma Statutes;

16 5. Limit the supply of any opioid drug prescribed for acute
17 pain to a duration of no more than seven (7) days as determined by
18 the directed dosage and frequency of dosage;

19 6. In the case of a patient under the age of eighteen (18)
20 years old, enter into a patient-provider agreement with a parent or
21 guardian of the patient; and

22 7. In the case of a patient who is a pregnant woman, enter into
23 a patient-provider agreement with the patient.

1 C. No less than seven (7) days after issuing the initial
2 prescription pursuant to subsection A of this section, the
3 practitioner, after consultation with the patient, may issue a
4 subsequent prescription for the drug to the patient in a quantity
5 not to exceed seven (7) days, provided that:

6 1. The subsequent prescription would not be deemed an initial
7 prescription under this section;

8 2. The practitioner determines the prescription is necessary
9 and appropriate to the treatment needs of the patient and documents
10 the rationale for the issuance of the subsequent prescription; and

11 3. The practitioner determines that issuance of the subsequent
12 prescription does not present an undue risk of abuse, addiction or
13 diversion and documents that determination.

14 D. Prior to issuing the initial prescription of a Schedule II
15 controlled dangerous substance or any opioid drug that is a
16 prescription drug in a course of treatment for acute or chronic pain
17 and again prior to issuing the third prescription of the course of
18 treatment, a practitioner shall discuss with the patient or the
19 parent or guardian of the patient if the patient is under eighteen
20 (18) years of age and is not an emancipated minor, the risks
21 associated with the drugs being prescribed, including but not
22 limited to:

- 1 1. The risks of addiction and overdose associated with opioid
2 drugs and the dangers of taking opioid drugs with alcohol,
3 benzodiazepines and other central nervous system depressants;
- 4 2. The reasons why the prescription is necessary;
- 5 3. Alternative treatments that may be available; and
- 6 4. Risks associated with the use of the drugs being prescribed,
7 specifically that opioids are highly addictive, even when taken as
8 prescribed, that there is a risk of developing a physical or
9 psychological dependence on the controlled dangerous substance, and
10 that the risks of taking more opioids than prescribed or mixing
11 sedatives, benzodiazepines or alcohol with opioids can result in
12 fatal respiratory depression.

13 The practitioner shall include a note in the medical record of
14 the patient that the patient or the parent or guardian of the
15 patient, as applicable, has discussed with the practitioner the
16 risks of developing a physical or psychological dependence on the
17 controlled dangerous substance and alternative treatments that may
18 be available. The applicable state licensing board of the
19 practitioner shall develop and make available to practitioners
20 guidelines for the discussion required pursuant to this subsection.

21 E. At the time of the issuance of the third prescription for a
22 prescription opioid drug, the practitioner shall enter into a pain-
23 management agreement with the patient.

1 F. When a Schedule II controlled dangerous substance or any
2 prescription opioid drug is continuously prescribed for three (3)
3 months or more for chronic pain, the practitioner shall:

4 1. Review, at a minimum of every three (3) months, the course
5 of treatment, any new information about the etiology of the pain,
6 and the progress of the patient toward treatment objectives and
7 document the results of that review;

8 2. Assess the patient prior to every renewal to determine
9 whether the patient is experiencing problems associated with
10 physical and psychological dependence and document the results of
11 that assessment;

12 3. Periodically make reasonable efforts, unless clinically
13 contraindicated, to either stop the use of the controlled substance,
14 decrease the dosage, try other drugs or treatment modalities in an
15 effort to reduce the potential for abuse or the development of
16 physical or psychological dependence and document with specificity
17 the efforts undertaken;

18 4. Review the central repository information in accordance with
19 Section 2-309D of Title 63 of the Oklahoma Statutes; and

20 5. Monitor compliance with the pain-management agreement and
21 any recommendations that the patient seek a referral.

22 G. After issuing an initial prescription pursuant to this
23 section, an individual practitioner may issue one subsequent
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1 prescription for an immediate-release opioid drug in Schedule II in
2 a quantity not to exceed seven (7) days if:

3 1. The subsequent prescription is due to a major surgical
4 procedure and/or "confined to home" status as defined in 42 U.S.C.
5 1395n(a);

6 2. The practitioner provides the subsequent prescription on the
7 same day as the initial prescription;

8 3. The practitioner provides written instruction on the
9 subsequent prescription indicating the earliest date on which the
10 prescription may be filled (i.e. "do not fill until" date); and

11 4. The subsequent prescription is dispensed no more than five
12 (5) days after the "do not fill until" date indicated on the
13 prescription.

14 H. This section shall not apply to a prescription for a patient
15 who is currently in active treatment for cancer, receiving hospice
16 care from a licensed hospice or palliative care, or is a resident of
17 a long-term care facility, or to any medications that are being
18 prescribed for use in the treatment of substance abuse or opioid
19 dependence.

20 ~~H.~~ I. Every policy, contract or plan delivered, issued,
21 executed or renewed in this state, or approved for issuance or
22 renewal in this state by the Insurance Commissioner, and every
23 contract purchased by the Employees Group Insurance Division of the
24 Office of Management and Enterprise Services, on or after the

1 effective date of this act, that provides coverage for prescription
2 drugs subject to a copayment, coinsurance or deductible shall charge
3 a copayment, coinsurance or deductible for an initial prescription
4 of an opioid drug prescribed pursuant to this section that is
5 either:

6 1. Proportional between the cost sharing for a thirty-day
7 supply and the amount of drugs the patient was prescribed; or

8 2. Equivalent to the cost sharing for a full thirty-day supply
9 of the opioid drug, provided that no additional cost sharing may be
10 charged for any additional prescriptions for the remainder of the
11 thirty-day supply.

12 ~~I.~~ J. Any provider authorized to prescribe opioids shall adopt
13 and maintain a written policy or policies that include execution of
14 a written agreement to engage in an informed consent process between
15 the prescribing provider and qualifying opioid therapy patient. For
16 the purposes of this section, "qualifying opioid therapy patient"
17 means:

18 1. A patient requiring opioid treatment for more than three (3)
19 months;

20 2. A patient who is prescribed benzodiazepines and opioids
21 together; or

22 3. A patient who is prescribed a dose of opioids that exceeds
23 one hundred ~~(100)~~ morphine equivalent doses.

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SECTION 2. This act shall become effective November 1, 2019.

57-1-7696 SH 01/17/19