

2 State of Arkansas
3 90th General Assembly
4 Regular Session, 2015

A Bill

DRAFT JMB/JMB
HOUSE BILL

5
6 By: Representative Boyd

7 Filed with: House Committee on Public Health, Welfare, and Labor
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO CREATE THE ARKANSAS SAFE AND EFFECTIVE
11 PRESCRIBING PRACTICES ACT; TO CREATE THE TASK FORCE
12 FOR SAFE AND EFFECTIVE PRESCRIBING PRACTICES; AND FOR
13 OTHER PURPOSES.

14 15 16 Subtitle

17 TO CREATE THE ARKANSAS SAFE AND EFFECTIVE
18 PRESCRIBING PRACTICES ACT; AND TO CREATE
19 THE TASK FORCE FOR SAFE AND EFFECTIVE
20 PRESCRIBING PRACTICES.

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code Title 17, Chapter 80, is amended to add an
26 additional subchapter to read as follows:

27 Subchapter 4 – Arkansas Safe and Effective Prescribing Practices Act

28 29 17-80-401. Title.

30 This subchapter shall be known and may be cited as the "Arkansas Safe
31 and Effective Prescribing Practices Act".

32 33 17-80-402. Definitions.

34 As used in this subchapter:

1 (1) "Prescriber" means an individual who is licensed, certified,
2 registered, or otherwise authorized by the appropriate Arkansas licensing
3 board to prescribe drugs in the course of professional practice;

4 (2) "Opioid" means a drug or medication that relieves pain
5 including without limitation:

6 (A) Hydrocodone;

7 (B) Oxycodone;

8 (C) Morphine; and

9 (D) Codeine; and

10 (3) "Treatment guidelines" means evidence-based recommendations
11 to assist healthcare providers in making patient decisions concerning
12 appropriate medical care for the treatment of acute and chronic pain.

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14 17-80-403. Arkansas Task Force for Safe and Effective Prescribing
15 Practices – Creation – Membership.

16 (a) The Arkansas Task Force for Safe and Effective Prescribing
17 Practices is created.

18 (b) The task force shall consist of the following health officials and
19 representatives from healthcare provider licensing boards:

20 (1) The State Health Officer or his or her designee;

21 (2) The Surgeon General or his or her designee;

22 (3) The Director of the Division of Medical Services of the
23 Department of Human Services or his or her designee;

24 (4) The Arkansas Drug Director or his or her designee;

25 (5) The Director of the Department of Arkansas State Police or
26 his or her designee; and

27 (6) One (1) board member designated by each of the following
28 organizations who is also professional licensee of the organization:

29 (A) The Arkansas State Board of Dental Examiners;

30 (B) The Arkansas State Board of Nursing;

31 (C) The Arkansas State Board of Pharmacy; and

32 (D) The Arkansas State Medical Board.

33 (c) A meeting of the task force shall be open to the public and
34 subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.

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36 17-80-404. Treatment guidelines.

1 (a) On or before October 1, 2015, the Arkansas Task Force for Safe and
2 Effective Prescribing Practices shall develop treatment guidelines for the
3 prescribing of opioids that can be used by prescribers in the state as a
4 guide for patient care.

5 (b) By September 30 of each year, the task force shall review and
6 update, as needed, the treatment guidelines for the prescribing of opioids.

7 (c) A state licensing board that licenses or otherwise regulates
8 prescribers shall adopt and post on its website:

9 (1) The treatment guidelines for the prescribing of opioids
10 developed by the task force on or before March 1, 2016; and

11 (2) Updated treatment guidelines for the prescribing of opioids
12 within six (6) months of the development of updated treatment guidelines by
13 the task force.

14 (d) A state licensing board that licenses or otherwise regulates
15 prescribers shall:

16 (1) Provide training materials to its licensees on the treatment
17 guidelines for the prescribing of opioids as developed and updated by the
18 task force; and

19 (2) Promulgate rules on or before March 1, 2016, to require
20 continuing education on the abuse of controlled substances as a condition of
21 license renewal for prescribers.

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23 17-80-405. Patient treatment and applicability.

24 (a) The guidelines for the prescribing of opioids shall be developed
25 to assist prescriber decision-making only and shall not have the effect of
26 law.

27 (b) This subchapter does not prohibit a prescriber who uses opioids to
28 relieve a patient's pain from prescribing a dosage of opioids deemed
29 medically necessary to relieve the patient's pain.

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32 Referral requested by: Representative Justin Boyd

33 Prepared by: JMB