

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

*As Engrossed: H3/17/15*

# A Bill

HOUSE BILL 1604

5 By: Representative Magie  
6

## For An Act To Be Entitled

8 AN ACT TO CREATE THE COMBATING PRESCRIPTION DRUG  
9 ABUSE ACT; TO AMEND THE LAWS CONCERNING THE  
10 PRESCRIPTION DRUG MONITORING PROGRAM; AND FOR OTHER  
11 PURPOSES.  
12  
13

## Subtitle

14 TO CREATE THE COMBATING PRESCRIPTION DRUG  
15 ABUSE ACT; AND TO AMEND THE LAWS  
16 CONCERNING THE PRESCRIPTION DRUG  
17 MONITORING PROGRAM.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 *SECTION 1. Arkansas Code § 20-7-603, concerning the definitions of the*  
24 *Prescription Drug Monitoring Act, is amended to add an additional subdivision*  
25 *to read as follows:*

26 *(17) "Opioid" means a drug or medication that relieves pain,*  
27 *including without limitation:*

28 *(A) Hydrocodone;*

29 *(B) Oxycodone;*

30 *(C) Morphine;*

31 *(D) Codeine;*

32 *(E) Heroin; and*

33 *(F) Fentanyl.*  
34

35 *SECTION 2. Arkansas Code § 20-7-604(g), concerning the requirements*  
36 *for the Prescription Drug Monitoring Program, is amended to read as follows:*



1           (g)(1) *The department shall create a process for patients to address*  
2 *errors, inconsistencies, and other matters in their record as maintained*  
3 *under this section, including cases of breach of privacy and security.*

4           (2) The department shall develop algorithms within the  
5 controlled substance database that would alert a practitioner if his or her  
6 patient is being prescribed opioids by more than three (3) physicians within  
7 any thirty-day period, if funding is available.

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9           SECTION 3. *Arkansas Code § 20-7-604(h), concerning the requirements*  
10 *for the Prescription Drug Monitoring Program, is amended to read as follows:*

11           (h)(1) *The department shall limit access to only those employees whose*  
12 *access is reasonably necessary to carry out this section.*

13           (2) However, a prescriber may delegate access to the controlled  
14 substance database to persons under his or her supervision or employment.

15  
16           SECTION 4. *Arkansas Code Title 20, Chapter 7, Subchapter 6, is amended*  
17 *to add an additional section to read as follows:*

18           20-7-615. Prescriber with a prescription drug violation.

19           (a) A prescriber who has been found by his or her licensing board to  
20 be in violation of a rule or law involving prescription drugs shall be  
21 required by the appropriate licensing board to register with the Prescription  
22 Drug Monitoring Program and access patient information before writing a  
23 prescription for an opioid.

24           (b) The licensing board, in its discretion, may remove this  
25 requirement after a period of time if the board deems removal of the  
26 requirement appropriate.

27  
28           SECTION 5. *Arkansas Code Title 20, Chapter 7, is amended to add an*  
29 *additional subchapter to read as follows:*

30           Subchapter 7 – Combating Prescription Drug Abuse Act

31  
32           20-7-701. Title.

33           This act shall be known and may be cited as the "Combating Prescription  
34 Drug Abuse Act".

35  
36           20-7-702. Definitions.

1 As used in this subchapter:

2 (1) "Hospital" means a healthcare facility licensed as a  
3 hospital by the Division of Health Facilities Services under § 20-9-213;

4 (2) "Nonmalignant pain" means pain requiring more than three (3)  
5 consecutive months of prescriptions for:

6 (A) An opioid that is written for more than the equivalent  
7 of ninety (90) tablets, each containing five milligrams (5mg) of hydrocodone;

8 (B) A morphine equivalent dose of more than fifteen  
9 milligrams (15mg) per day; or

10 (C) In the specific case of tramadol, a dose of fifty  
11 milligrams (50mg) or one hundred twenty (120) tablets;

12 (3) "Opioid" means a drug or medication that relieves pain,  
13 including without limitation:

14 (A) Hydrocodone;

15 (B) Oxycodone;

16 (C) Morphine;

17 (D) Codeine;

18 (E) Heroin; and

19 (F) Fentanyl; and

20 (4) "Prescriber" means a practitioner or other authorized person  
21 who prescribes a Schedule II, III, IV, or V controlled substance.

22  
23 20-7-703. Opioid prescribing guidelines for emergency department.

24 (a) A hospital with an emergency department shall adopt guidelines  
25 concerning opioid prescribing in the emergency department.

26 (b) The guidelines shall be drafted jointly by the emergency  
27 department physicians and medical staff and approved by the governing body of  
28 the hospital.

29 (c) The guidelines shall address, at a minimum:

30 (1) Treatment of chronic pain, nonmalignant pain, and acute  
31 pain;

32 (2) Limits on amounts or duration of opioid prescriptions; and

33 (3) Identification of situations where opioid prescriptions  
34 should be discouraged or prohibited.

35 (d) The guidelines shall not be construed as establishing a standard  
36 of care.

1  
2 20-7-704. Prescriber education.

3 (a)(1) Within the first two (2) years of being granted a license in  
4 the state, a prescriber shall obtain a minimum of two (2) hours of  
5 prescribing education approved by the appropriate licensing board.

6 (2) The education approved by the appropriate licensing board  
7 under subdivision (a)(1) of this section shall include:

8 (A) Options for online and in-person programs; and

9 (B) Information on prescribing rules, regulations, and  
10 laws that apply to individuals who are licensed in the state.

11 (b) This section shall apply to all prescribers licensed after  
12 December 31, 2015.

13  
14 20-7-705. Licensing board rules.

15 (a) A licensing board that licenses individuals with prescriptive  
16 authority shall adopt rules that are at least as stringent as the rules of  
17 the Arkansas State Medical Board concerning use of narcotics for the  
18 treatment of pain not associated with malignant or terminal illness.

19 (b) A licensing board that licenses individuals who are authorized to  
20 prescribe opioids for treatment of chronic, nonmalignant pain shall  
21 promulgate rules that contain, at a minimum, the requirements of § 20-7-707.

22  
23 20-7-706. Patient evaluation.

24 A patient who is being treated with controlled substances for chronic,  
25 nonmalignant pain shall be evaluated at least one (1) time every six (6)  
26 months by a physician who is licensed by the Arkansas State Medical Board.

27  
28 20-7-707. Prescriber requirements.

29 (a) For a patient with chronic, nonmalignant pain, a prescriber, at a  
30 minimum and in addition to any additional requirements of the appropriate  
31 licensing board, shall:

32 (1) Check the prescriptive history of the patient on the  
33 Prescription Drug Monitoring Program at least every six (6) months;

34 (2) Have a signed pain contract with the patient that states, at  
35 a minimum, the expectations of the prescriber for the behavior of the patient  
36 which may include:

