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2 91st General Assembly
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4

As Engrossed: S2/20/17 S3/9/17

A Bill

SENATE BILL 339

5 By: Senator J. Hutchinson
6 By: Representative Hammer
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE PRESCRIPTION DRUG MONITORING
10 PROGRAM TO MANDATE PRESCRIBERS CHECK THE PRESCRIPTION
11 DRUG MONITORING PROGRAM WHEN PRESCRIBING CERTAIN
12 MEDICATIONS; AND FOR OTHER PURPOSES.
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Subtitle

16 TO AMEND THE PRESCRIPTION DRUG MONITORING
17 PROGRAM TO MANDATE PRESCRIBERS CHECK THE
18 PRESCRIPTION DRUG MONITORING PROGRAM WHEN
19 PRESCRIBING CERTAIN MEDICATIONS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 20-7-604(d), concerning the requirements
25 for the Prescription Drug Monitoring Program, is amended to read as follows:

26 (d)(1) Practitioners Except as required in subdivision (d)(2) of this
27 section, practitioners are encouraged to access or check the information in
28 the controlled substance database created under this subchapter before
29 prescribing, dispensing, or administering medications.

30 (2)(A) A prescriber shall check the information in the
31 Prescription Drug Monitoring Program when prescribing:

32 (i) An opioid from Schedule II or Schedule III for
33 every time prescribing the medication to a patient; and

34 (ii) A benzodiazepine medication for the first time
35 prescribing the medication to a patient.

36 (B) A licensing board that licenses practitioners who have



1 the authority to prescribe shall adopt rules requiring the practitioners to
 2 check the information in the Prescription Drug Monitoring Program as
 3 described in subdivision (d)(2) of this section.

4 (C) This subdivision (d)(2) does not apply to:

5 (i) A practitioner administering a controlled
 6 substance:

7 (a) Immediately before or during surgery;

8 (b) During recovery from a surgery while in a
 9 healthcare facility;

10 (c) In a healthcare facility; or

11 (d) Necessary to treat a patient in an
 12 emergency situation at the scene of an emergency, in a licensed ground
 13 ambulance or air ambulance, or in the intensive care unit of a licensed
 14 hospital;

15 (ii) A practitioner prescribing or administering a
 16 controlled substance to:

17 (a) A palliative care or hospice patient; or

18 (b) A resident in a licensed nursing home
 19 facility; or

20 (iii) Situations in which the Prescription Drug
 21 Monitoring Program is not accessible due to technological or electrical
 22 failure.

23 (3) A licensed oncologist shall check the Prescription Drug
 24 Monitoring Program when prescribing to a patient on an initial malignant
 25 episodic diagnosis and every three (3) months following the diagnosis while
 26 continuing treatment.

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 28 SECTION 2. Arkansas Code § 20-7-607(a)(1), concerning providing
 29 prescription monitoring information to the Prescription Drug Monitoring
 30 Program, is amended to read as follows:

31 (a)(1)(A)(i) The Department of Health ~~may~~ shall review the
 32 Prescription Drug Monitoring Program information, including without
 33 limitation a review to identify information that appears to indicate whether
 34 a person ~~may be~~ is obtaining prescriptions in a manner that may represent
 35 misuse or abuse of controlled substances based on prescribing criteria
 36 determined by the Director of the Department of Health upon consultation with

1 the Prescription Drug Monitoring Program Advisory Committee.

2 (ii) The prescribing criteria shall be posted on the
3 website of the department and be available in print upon request.

4 (B) If the information appears to indicate misuse or abuse
5 may have occurred, the department shall notify the practitioners and
6 dispensers who have prescribed or dispensed in the following manner:

7 (i) The department shall provide quarterly reports
8 to the individual practitioners and dispensers as well as the Arkansas State
9 Police; and

10 (ii) If after twelve (12) months of providing
11 quarterly reports to the practitioners and dispensers, the information
12 appears to indicate misuse or abuse may be continuing, the department shall
13 send a report to the licensing boards of the practitioner or dispenser who
14 prescribed or dispensed the prescription.

15 (C) If information of misuse or abuse is identified, the
16 department shall notify the practitioners and dispensers who prescribed or
17 dispensed the prescriptions and the Office of Diversion Control of the United
18 States Drug Enforcement Administration.

19 (D) On or before January 1, 2019, the department shall
20 contract with a vendor to make the Prescription Drug Monitoring Program
21 interactive and to provide same-day reporting in real-time, if funding and
22 technology are available.

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24 SECTION 3. Arkansas Code § 20-7-611, concerning unlawful acts and
25 penalties regarding the Prescription Drug Monitoring Program, is amended to
26 add an additional subsection to read as follows:

27 (i) A practitioner who purposely fails to access the Prescription Drug
28 Monitoring Program as required by § 20-7-604(d) is subject to disciplinary
29 action by the licensing board of the practitioner.

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31 /s/J. Hutchinson
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