

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1044

By: Hamilton (Jeff)

AS INTRODUCED

An Act relating to Public Health and Safety;

providing for prescription and administration of controlled dangerous substances for intractable pain; defining term; removing certain use of disciplinary action for such prescription and administration; providing exceptions; specifying restrictions and conditions; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-310 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A physician currently licensed to practice medicine in this state may prescribe or administer controlled dangerous substances to a person in the course of the physician's treatment of that person for a diagnosed condition causing intractable pain.

For the purposes of this section "intractable pain," means a pain state in which the cause of the pain cannot be removed or otherwise treated and which in the generally accepted course of medical practice no relief or cure of the cause of the pain is possible or none has been found after reasonable efforts including, but not limited to, evaluation by the attending physician and

surgeon and one or more physicians and surgeons specializing in the treatment of the area, system, or organ of the body perceived as the source of the pain.

B. No physician shall be subject to disciplinary action by the licensing Board for prescribing or administering controlled dangerous substances in the course of treatment of a person for intractable pain.

C. This section shall not:

1. Apply to those persons being treated by the physician for chemical dependency because of their use of drugs or controlled dangerous substances.

2. Authorize a physician to prescribe or administer controlled dangerous substances to a person the physician knows to be using drugs or substances for nontherapeutic purposes.

3. Affect the power of the Board to deny, revoke, or suspend the license of any physician who:

- a. prescribes or administers a controlled dangerous substance or treatment that is nontherapeutic in nature or nontherapeutic in the manner the controlled dangerous substance or treatment is administered or prescribed or is for a nontherapeutic purpose in a nontherapeutic manner,
- b. fails to keep complete and accurate records of purchases and disposals of substances listed in the Uniform Controlled Dangerous Substances Act, or of controlled substances scheduled in, or pursuant to, the federal Comprehensive Drug Abuse Prevention and Control Act of 1970. A physician shall keep records of his purchases and disposals of these drugs, including the date of purchase, the date and records of the sale or disposal of the drugs by the physician, the name and address of the person receiving the

- drugs, and the reason for the disposal of or the dispensing of the drugs to the person and shall otherwise comply with all state recordkeeping requirements for controlled dangerous substances,
- c. writes false or fictitious prescriptions for controlled substances listed in the Uniform Controlled Dangerous Substances Act or scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970, or
 - d. prescribes, administers, or dispenses in a manner not consistent with public health and welfare controlled substances listed in the Uniform Controlled Dangerous Substances Act or scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5748 KSM