

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/14/17 H6/27/17

# A Bill

HOUSE BILL 2059

By: Representative Hammer

## For An Act To Be Entitled

AN ACT TO AMEND THE PRESCRIPTION DRUG MONITORING PROGRAM; TO CREATE THE PRESCRIPTION DRUG ABUSE REDUCTION ACT; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE PRESCRIPTION DRUG MONITORING PROGRAM; AND TO CREATE THE PRESCRIPTION DRUG ABUSE REDUCTION ACT.

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

*SECTION 1. DO NOT CODIFY. Title.*

*This act shall be known and may be cited as the "Prescription Drug Abuse Reduction Act."*

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

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

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

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

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



(B) A licensing board that licenses practitioners who have the authority to prescribe shall adopt rules requiring the practitioners to check the information in the Prescription Drug Monitoring Program as described in subdivision (d)(2) of this section.

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

(i) A practitioner administering a controlled substance:

(a) Immediately before or during surgery;

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

(c) In a healthcare facility; or

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

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

(a) A palliative care or hospice patient; or

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

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

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

SECTION 3. Arkansas Code § 20-7-607(a)(1), concerning providing prescription monitoring information to the Prescription Drug Monitoring Program, is amended to read as follows:

(a)(1)(A)(i) The Department of Health ~~may~~ shall review the Prescription Drug Monitoring Program information, including without limitation a review to identify information that appears to indicate whether a person ~~may be~~ is obtaining prescriptions in a manner that may represent misuse or abuse of controlled substances based on prescribing criteria

determined by the Director of the Department of Health upon consultation with the Prescription Drug Monitoring Program Advisory Committee.

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

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

(i) The department shall provide quarterly reports to the individual practitioners and dispensers; and

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

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

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

SECTION 4. Arkansas Code § 20-7-611, concerning unlawful acts and penalties regarding the Prescription Drug Monitoring Program, is amended to add an additional subsection to read as follows:

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

/s/Hammer