

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 505

By: Senator Bledsoe
By: Representative L. Johnson

For An Act To Be Entitled

AN ACT TO MANDATE THE COPRESCRIPTION OF AN OPIOID ANTAGONIST UNDER CERTAIN CONDITIONS; TO AMEND THE NALOXONE ACCESS ACT; AND FOR OTHER PURPOSES.

Subtitle

TO MANDATE THE COPRESCRIPTION OF AN OPIOID ANTAGONIST UNDER CERTAIN CONDITIONS; AND TO AMEND THE NALOXONE ACCESS ACT.

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

SECTION 1. Arkansas Code Title 20, Chapter 13, Subchapter 18, is amended to add an additional section to read as follows:

20-13-1805. Opioid antagonist – Mandatory prescription.

(a) As used in this section:

(1) "Coprescribe" means to provide a prescription for an opioid antagonist when prescribing or dispensing an opioid;

(2) "Healthcare professional" means a person who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession; and

(3) "Opioid antagonist" means naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression.

(b)(1) Except as provided under subdivision (b)(2) of this section, a



healthcare professional shall coprescribe an opioid antagonist to a patient who does not have an existing prescription for an opioid antagonist when prescribing or dispensing an opioid if:

(A) The opioid dosage prescribed or dispensed is equal to or in excess of fifty morphine milligram equivalents (50 MME) per day;

(B) A benzodiazepine has been prescribed or dispensed for the patient in the past or will be prescribed or dispensed at the same time as the opioid; or

(C) The patient has a history of opioid use disorder or drug overdose.

(2) If a healthcare professional does not believe that it is in the best interest of a patient to coprescribe an opioid antagonist, the healthcare professional shall make documentation to that effect as provided in the guidance or rules of the appropriate licensing entity.

(c) A healthcare professional who coprescribes an opioid antagonist as required under subdivision (b)(1) of this section shall provide counseling and patient education to a patient, or a patient's parent or guardian if the patient is less than eighteen (18) years of age, as provided in the guidance or rules of the appropriate licensing entity.

(d) A healthcare professional who fails to coprescribe an opioid antagonist as required under this section may be referred to the appropriate licensing board for administrative sanctions or disciplinary action.

(e)(1)(A) No later than six (6) months after the effective date of this act, the Arkansas State Medical Board and the Arkansas State Board of Pharmacy shall jointly develop and publish guidance or rules that address the circumstances in which a healthcare professional is required to prescribe or dispense, or both, an opioid antagonist to a patient when prescribing or dispensing an opioid.

(B) The guidance or rules described in subdivision (e)(1)(A) of this section shall:

(i) At a minimum, establish coprescribing requirements based on:

(a) The daily dosage specified in subdivision (b)(1)(A) of this section;

(b) The number of days for which the opioid prescription is written or dispensed;

(c) A patient's past or current history of benzodiazepine prescriptions; and

(d) A patient's history of substance use disorder or overdose; and

(ii) Include provisions for documentation and patient counseling that address use of an opioid antagonist, overdose prevention, and situations in which the healthcare professional determines coprescribing is inappropriate for a particular patient.

(C) Counseling and patient education shall utilize guidelines and recommendations from nationally recognized organizations such as the United States Food and Drug Administration and the Centers for Disease Control and Prevention.

(2) A licensing entity that is authorized to license an individual to prescribe opioids shall promulgate guidance or rules concerning the coprescribing of an opioid antagonist that are no less restrictive than those adopted by the Arkansas State Medical Board and the Arkansas State Board of Pharmacy.

(3) A licensing entity described in subdivision (e)(2) of this section includes without limitation:

(A) The Arkansas State Board of Nursing;

(B) The Arkansas State Board of Dental Examiners;

(C) The State Board of Optometry; and

(D) The Arkansas Board of Podiatric Medicine.

(f) This section does not:

(1) Apply to a patient receiving hospice or other end-of-life care;

(2) Create a private right of action against a healthcare provider; or

(3) Limit liability of a healthcare provider for failure to properly diagnose or treat a patient.