

SENATE BILL NO. 323

INTRODUCED BY F. THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A QUERY OF THE PRESCRIPTION DRUG REGISTRY PRIOR TO PRESCRIBING A SCHEDULE II OR SCHEDULE III DRUG FOR TREATMENT OF A WORKERS' COMPENSATION INJURY OR OCCUPATIONAL DISEASE; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Schedule II and III drugs -- prescriber obligation.** (1) In order to ensure high-quality health care for an individual with a compensable occupational injury or disease, prescriptions for Schedule II or Schedule III drugs identified in Title 50, chapter 32, part 2, must be carefully monitored for potential abuse, dependence, interaction, and diversion.

(2) (a) A health care provider authorized to prescribe prescription drugs shall query the prescription drug registry provided for in Title 37, chapter 7, part 15, prior to the initial prescribing of a Schedule II or Schedule III drug for treatment of a workers' compensation injury or occupational disease.

(b) Prior to the initial prescribing of a Schedule II or Schedule III drug, a health care provider shall discuss the risks and benefits of the use of the controlled substance, including risk of tolerance and drug dependence, with the patient or the patient's legal guardian.

(c) A health care provider prescribing a Schedule II or Schedule III drug shall query the prescription drug registry not less than 90 days before issuing any new prescription or refill for a Schedule II or Schedule III drug.

(d) A record of each query must be maintained in the patient's medical file.

(3) This section does not apply to a health care provider administering a Schedule II or Schedule III drug under the following circumstances:

- (a) immediately prior to surgery;
- (b) at the scene of an emergency;
- (c) in a licensed ambulance; or
- (d) in the emergency department or intensive care unit of a licensed hospital.

**NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an

1 integral part of Title 39, chapter 71, part 11, and the provisions of Title 39, chapter 71, part 11, apply to [section  
2 1].

3

4 NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 2014.

5

- END -