

## SENATE BILL NO. 323

INTRODUCED BY F. THOMAS

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

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

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11 NEW SECTION. Section 1. Schedule II and III drugs -- prescriber obligation. (1) In order to ensure  
12 high-quality health care for an individual with a compensable occupational injury or disease, prescriptions for  
13 Schedule II or Schedule III drugs identified in Title 50, chapter 32, part 2, ~~must~~ MAY be carefully monitored for  
14 potential abuse, dependence, interaction, and diversion. ONGOING PRESCRIPTIONS FOR SCHEDULE II AND SCHEDULE  
15 III DRUGS MAY BE PRESCRIBED ONLY BY A TREATING PHYSICIAN.

16 (2) (a) A ~~health care provider~~ TREATING PHYSICIAN authorized to prescribe prescription drugs ~~shall~~ MAY  
17 query the prescription drug registry provided for in Title 37, chapter 7, part 15, prior to the initial prescribing OR  
18 REFILLING of a Schedule II or Schedule III drug for treatment of a workers' compensation injury or occupational  
19 disease. AFTER CONSULTING THE PRESCRIPTION DRUG REGISTRY, A TREATING PHYSICIAN MAY DECLINE TO PRESCRIBE  
20 OR REFILL A SCHEDULE II OR SCHEDULE III DRUG IF, IN THE TREATING PHYSICIAN'S JUDGMENT, THE DRUG SHOULD NOT  
21 BE PRESCRIBED OR REFILLED.

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

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

27 ~~(d)(C) A record of each query must be maintained in the patient's medical file~~ TREATING PHYSICIAN SHALL  
28 NOTE IN THE PATIENT'S MEDICAL FILE EACH QUERY CONDUCTED.

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

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

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6 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
7 integral part of Title 39, chapter 71, part 11, and the provisions of Title 39, chapter 71, part 11, apply to [section  
8 1].

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

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