

SENATE BILL NO. 323

INTRODUCED BY F. THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REQUIRING~~ PERMITTING 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~~ AN 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~~ MAY be carefully monitored for potential abuse, dependence, interaction, and diversion. ~~ONGOING PRESCRIPTIONS FOR SCHEDULE II AND SCHEDULE III DRUGS MAY BE PRESCRIBED ONLY BY A TREATING PHYSICIAN.~~

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

(b) Prior to the initial prescribing of a Schedule II or Schedule III drug, a ~~health care provider~~ TREATING PHYSICIAN MAY 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)(C) A record of each query must be maintained in the patient's medical file~~ TREATING PHYSICIAN SHALL NOTE IN THE PATIENT'S MEDICAL FILE EACH QUERY CONDUCTED.

(3) This section does not apply to a ~~health care provider~~ TREATING PHYSICIAN HEALTH CARE PROVIDER administering a Schedule 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~~ JULY 1, 2013.

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