LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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RE: Chronic Pain Management

Louisiana law and the Board's Rules governing medications used in the treatment of chronic pain require physicians to adhere to all applicable state and federal regulations.[1]

Federal regulations administered by the United States' Drug Enforcement Administration ("DEA") provide that for a prescription for a controlled substance to be considered valid, it must be "issued for a legitimate medical purpose by a registered practitioner acting in the usual course of sound professional practice.[2]

Pursuant to federal regulations, an authorized prescriber may issue multiple prescriptions for a Schedule II controlled dangerous substance ("CDS"), authorizing an individual to receive up to a total of a ninety (90) day supply of the medication, provided such is not inconsistent with state law[3] and each prescription is in conformity with relevant state and federal prescribing requirements.[4]

As in all instances, prescriptions for controlled dangerous substance must be dated as of, and signed on, *the day when issued* and bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use and the name, address and registration number of the practitioner.[5]

In context of the above-cited regulations, we believe that "day when issued," encompasses, among other requirements, that all CDS prescriptions must be dated by the practitioner who examines the patient on

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[1] The Board's Rules governing Medication used in the Treatment of Non-Cancer Related Chronic or Intractable Pain provide that 'A physician duly authorized to practice medicine in Louisiana and to prescribe controlled substances in this state shall not, however, prescribe, dispense, administer, supply, sell, give, or otherwise use for the purpose of treating such pain, any controlled substance unless done in strict compliance with applicable state and federal laws and the rules enumerated in this Subchapter.' LAC 46:XLV.6919A, emphasis supplied.

[2] 21 CFR 1306.04.

[3] For example, with certain exceptions, Louisiana law limits a first-time opioid prescription for out-patient use to an adult patient with an acute condition, to no more than a seven-day supply. La. Rev. Stat. §40:978G(1)(a).

[4] The Federal regulation provides that the following conditions must be attendant to the issuance of multiple prescriptions for a ninety (90) day supply of a Schedule II controlled substance: *e.g.*, (i) each separate prescription is issued for a legitimate medical purpose by an individual practitioner acting in the usual course of professional practice; (ii) the practitioner provides written instructions on each prescription (other than the first prescription, if the prescribing practitioner intends for that prescription to be filled immediately) indicating the earliest date on which a pharmacy may fill each prescription; (iii) the practitioner concludes that providing the patient with multiple prescriptions in this manner does not create an undue risk of diversion or abuse; (iv) the issuance of multiple prescriptions as described is permissible under the applicable state laws; and (v) the individual practitioner complies fully with all other applicable requirements under the U.S. Controlled Dangerous Substance Act and applicable federal regulation, as well as any additional requirements under state law. 21 CFR 1306.12.

[5] 21 CFR 1306.05(a), emphasis supplied

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the day the prescription is written. If multiple prescriptions are issued, they should be properly notated to reflect the earliest day on which each may be filled. Multiple prescriptions should all be provided to the patient at the same time. You may want to check federal regulations or contact your local DEA office for further information concerning how these requirements may impact your practice.

Sincerely,

LOUISIANA STATE BOARD OF

MEDICAL EXAMINERS

By: _____

Vincent A. Culotta, Jr., M.D.

Executive Director