

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

LEGISLATIVE UPDATE



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The information below contains brief summaries of the legislation passed in the 2019 regular session of the Louisiana Legislature that is pertinent to licensees of the LSBME, or to the processes and procedures of the agency.

PRESCRIBERS OF OPIOIDS

HB 284 sponsored by Representative Abraham, sent to the governor for approval as **Act 426** amends laws relative to prescribing and dispensing of opioid drugs and institutes certain requirements for prescribers of such drugs. If a provider believes that more than a seven-day supply of an opioid is required to treat the adult or minor patient's acute medical condition or is necessary for the treatment of chronic pain management, pain associated with a cancer diagnosis, or for palliative care, the practitioner may issue a prescription for the quantity needed to treat the patient's acute medical condition or pain. **The medical practitioner shall indicate on the prescription that more than a 7 day supply of the opioid is medically necessary.** In addition, the condition triggering the prescription of an opioid for more than a seven-day supply shall be documented in the patient's medical record and the practitioner shall indicate that a non-opioid alternative was not appropriate to address the medical condition. Effective 08/01/2019.

MARIJUANA FOR THERAPEUTIC USE

HB 169 sponsored by Representative Hoffman and Senator Thompson, signed into law as **Act 207** authorizes the LSBME to establish and maintain an electronic data system for the collection of information on health effects, events, and outcomes associated with patient use of medical marijuana. Act requires that the board collaborate with certain institutions in the design of the data system; provides specifications for components of the data system and for reporting of data into the system. Restricts disclosure and uses of data from the system and provides for a public records exception; provides legislative findings and definitions. Requires physicians to report adverse events and outcomes into this system. The LSBME shall collaborate with the following institutions to design and implement the system: LSU Medical School at New Orleans; LSU Medical School at Shreveport; Tulane University Medical School; Pennington Research Center; College of Nursing and Allied Health at Southern University; Xavier of Louisiana College of Pharmacy. Effective 08/01/2019.

HB 358 sponsored by Representative James, Armes and others, signed into law as **Act 284**. Act removes the domiciliary requirement for licensed Louisiana physician to recommend therapeutic marijuana; allows Board of Pharmacy to permit therapeutic marijuana to be conveyed by metered-dose inhaler; defines pediatric subspecialist required for consultation regarding the recommending of therapeutic marijuana to patients under age 18 as “an individual licensed to practice medicine in any state in the United States who provides care to patients with autism spectrum disorder.” Act requires that physician have bona-fide patient relationship with the patients for whom he recommends therapeutic marijuana; requires that extraction process create product that is food safe and pharmaceutical grade. Removes LSMBE annual reporting requirement regarding additional debilitating conditions. Effective 08/01/2019.

HB 507 sponsored by Representative Abramson and others, signed into law as **Act 331**. Removes standard sales taxes at the state, city or local level on therapeutic marijuana products and instead levies a 7% gross tax on the proceeds to be deposited in the Community and Family Support System Fund. No less than 50% of these revenues shall be used to provide funding for the Early Steps intervention program for infants and toddlers with disabilities and their families. Effective 07/01/2019.

SR 255 sponsored by Senator Barrow. A resolution requesting that the Louisiana Department of Health, Louisiana State Board of Medical Examiners, and Louisiana Board of Pharmacy study and make recommendations relative to certain provisions of Louisiana law on medical marijuana. Specifically the resolution requests further consideration of: 1) the requirement for subspecialty consultation for pediatric patients with any debilitating medical condition, not just autism spectrum disorder, prior to recommending medical marijuana; 2) specific licensure for any clinic recommending therapeutic marijuana for more than 51% of its patients, and 3) any other patient protection that may be warranted pertaining to a mood altering substance.

PRESCRIPTION MONITORING

SB 53, sponsored by Senator Johns, signed into law as **Act 80** permits the Board of Pharmacy to provide prescription monitoring information in response to queries from other such programs and pharmacy information systems located in other states, territories, federal districts and federal jurisdictions, through its participation in an interstate data exchange system. Effective 08/05/2019.

PHYSICIAN ASSISTANTS

SB 59 sponsored by Senator Long and signed into law as **Act 338** adds primary care physician assistants to persons eligible for a reduction in their personal income tax if they are practicing in a primary care high needs geographic health professional shortage area (HPSA) as designated by the federal government, or in a rural area as defined by the Louisiana Department of Health. This provision applies to only one relocation and only for a maximum of five years; should a physician assistant cease to comply with these provisions within the three-year period, all taxes reduced by the legislation will be subject to recapture. Effective 08/01/2019.

SB166 sponsored by Senator LaFleur and others and signed into law as **Act 276** permits physicians assistants to order or refer patients for occupational therapy services. **Changes language to permit physician assistants with a “current” license to prescribe.** Effective 08/01/2019.

SB 240 sponsored by Senator Boudreaux and signed into law as **Act 414**. Act permits physician assistants (and advanced practice registered nurses) to provide medication assisted treatment (MAT) in accordance with the rules of the US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) if the supervising physician (or collaborating physician for APRNs) is also authorized and in compliance with federal laws and rules regarding the provision of MAT to patients. MAT is defined here as “the use of medications with counseling and behavioral therapies to treat substance use disorders and prevent opioid overdose.” Effective 08/01/2019.

OPERATIONS OF THE LSBME

SB 19 sponsored by Senator Boudreaux, forwarded to the governor as **Act 265**, reenacts and amends certain health professionals to existing legislation that permits the board to perform criminal backgrounds checks on applicants for licensure: adds the categories of perfusionist, medical psychologist, genetic counselor, and polysomnographic health professionals. Effective 08/01/2019.

RULES PERTAINING TO PUBLIC AGENCIES THAT AFFECT LSBME

HB614 (replaces HB388) sponsored by Representative Miguez and signed into law as Act 256 exempts certain information from the public records law. Effective 08/01/2019.