

# Senate Bill 880

Sponsored by COMMITTEE ON HEALTH POLICY AND PUBLIC AFFAIRS (at the request of Oregon Pain Commission)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes certain health care professionals to use controlled substances in treatment of patient's pain. Exempts health care professional from discipline by health professional regulatory board for prescribing or administering controlled substances in course of treatment of person's pain with goal of controlling patient's pain for duration of pain.

## A BILL FOR AN ACT

Relating to treatment of pain; amending ORS 677.470, 677.474, 677.480 and 677.485.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 677.470 is amended to read:

677.470. As used in ORS 677.470 to 677.485:

(1) "Controlled substance" has the meaning given that term under ORS 475.005.

(2) "*Intractable pain*" means a pain state in which the cause of the pain cannot be removed or otherwise treated and for which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain has been found after reasonable efforts, including, but not limited to, evaluation by the attending physician.]

(2) "**Health care professional**" means a person licensed by a health professional regulatory board who is practicing within the scope of practice of that licensure and who is authorized to prescribe or administer controlled substances.

(3) "**Health professional regulatory board**" has the meaning given that term in ORS 676.440.

**SECTION 2.** ORS 677.474 is amended to read:

677.474. (1) Notwithstanding any other provision of this chapter **and notwithstanding ORS 678.010 to 678.410 and ORS chapters 679 and 689**, a [*physician licensed under this chapter*] **health care professional** may prescribe or administer controlled substances to a person in the course of [*the physician's treatment of*] **treating** that person for a diagnosed condition causing [*intractable*] pain.

(2) A [*physician*] **health care professional** shall not be subject to disciplinary action by [*the Board of Medical Examiners*] **a health professional regulatory board** for prescribing or administering controlled substances in the course of treatment of a person for [*intractable*] pain with the goal of controlling the patient's pain for the duration of the pain.

(3) Subsections (1) and (2) of this section do not apply to:

(a) A [*physician's*] **health care professional's** treatment of a person for chemical dependency resulting from the use of controlled substances;

(b) The prescription or administration of controlled substances to a person the [*physician*] **health care professional** knows to be using the controlled substances for nontherapeutic purposes;

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) The prescription or administration of controlled substances for the purpose of terminating  
2 the life of a person having [*intractable*] pain, except as allowed under ORS 127.800 to 127.897; or

3 (d) The prescription or administration of a substance that is not a controlled substance approved  
4 by the United States Food and Drug Administration for pain relief.

5 (4) Subsection (2) of this section does not exempt the governing body of any hospital or other  
6 medical facility from the requirements of ORS 441.055.

7 **SECTION 3.** ORS 677.480 is amended to read:

8 677.480. ORS 677.474 does not prohibit [*the Board of Medical Examiners*] **a health professional**  
9 **regulatory board** from placing on probation or denying, revoking, limiting or suspending the license  
10 of any [*physician*] **health care professional** who does any of the following:

11 (1) Prescribes or administers a controlled substance or treatment that is nontherapeutic in na-  
12 ture or nontherapeutic as administered or prescribed or that is administered or prescribed for a  
13 nontherapeutic purpose.

14 (2) Fails to keep a complete and accurate record of controlled substance purchases, dispensing  
15 and disposal as required by the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L.  
16 91-513), other federal law or ORS 475.005 to 475.285 and 475.840 to 475.980.

17 (3) Prescribes controlled substances without a legitimate medical purpose.

18 (4) Prescribes, administers or dispenses controlled substances in a manner detrimental to the  
19 best interest of the public.

20 (5) Prescribes, administers or dispenses a controlled substance in a manner prohibited under  
21 ORS 475.005 to 475.285 or 475.840 to 475.980.

22 (6) Falsifies prescription information, including, but not limited to, the identity of the recipient.

23 **SECTION 4.** ORS 677.485 is amended to read:

24 677.485. Prior to commencing the treatment of [*intractable*] pain as allowed under ORS 677.474,  
25 the [*physician*] **health care professional** shall provide to the person and the person shall sign a  
26 written notice, provided and approved by the **health professional regulatory board that regulates**  
27 **the practice of the health care professional**, disclosing the material risks associated with the  
28 prescribed or administered controlled substances to be used in the course of the [*physician's*] treat-  
29 ment of that person.

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