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WILLIAM H. TRICE III (1946-2014)

June 18, 2018

*Via Email and US Mail*

Mark Martin  
Secretary of State  
State Capitol Room 026  
Little Rock, AR 72201-1094

**Re: My Client: Arkansas State Board of Dental Examiners  
Amendment to Article XX- mandating Prescribers to check to Prescription Dug  
Monitoring Program**

To Whom It May Concern:

Enclosed is an Arkansas Register Transmittal Sheet and a copy of the Amendment to Article XX regarding mandating Prescribers to check to Prescription Dug Monitoring Program.

Please file this accordingly.

Respectfully,

  
Kevin M. O'Dwyer  
Attorney for the Arkansas State Board of Dental Examiners

KMO/jab  
Enclosure

cc: [register@sos.arkansas.gov](mailto:register@sos.arkansas.gov)  
Donna Cobb, Executive Director, Arkansas State Board of Dental Examiners

# ARKANSAS REGISTER

## Transmittal Sheet

\* Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State  
**Mark Martin**  
State Capitol, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-3527  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



For Office  
Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas State Board of Dental Examiners

Department \_\_\_\_\_

Contact Kevin M. O'Dwyer E-mail kodwyer@htolaw.com Phone 501-372-4144

Statutory Authority for Promulgating Rules §17-95-303(2) and Act 820 of 2017

**Rule Title:** Article XX Prescribing- Mandate Prescriber's to check the Prescription Drug Monitoring Program

**Intended Effective Date**  
(Check One)

Emergency (ACA 25-15-204)

30 Days After Filing (ACA 25-15-204)

Other 10 Days after filing w/ SOS  
(Must be more than 30 days after filing date.)

Legal Notice Published 12/13/2017

Final Date for Public Comment 09/22/2017

Reviewed by Legislative Council 06/12/2018

Adopted by State Agency \_\_\_\_\_

Electronic Copy of Rule submitted under ACA 25-15-218 by:

Kevin M. O'Dwyer kodwyer@htolaw.com 06/18/2018

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

Signature

501-682-2085

donna.cobb@arkansas.gov

Phone Number

E-mail Address

Executive Director, Arkansas State Board of Dental Ex

Title

06/18/2018

Date

## ARTICLE XX

## PRESCRIBING

1. Pursuant to Act 820 of 2017, a prescriber who prescribes Schedule drugs shall be required by the Board to register with the Prescription Drug Monitoring Program and access patient information before writing a prescription for an opioid.
2. A practitioner who fails to access the Prescription Drug Monitoring Program as required is subject to disciplinary action by the Board.
3. PRESCRIBER REQUIREMENTS:
  - a. ~~No patient shall be prescribed more than a 72 Hour amount of Schedule II, III, IV and V drugs.~~
  - b. ~~At a minimum and in addition to any additional requirements of the Arkansas State Board of Dental Examiners, shall:~~
  - c. ~~Check the information in the Prescription Drug Monitoring Program when prescribing:~~
    - i. ~~An opioid from Schedule II or Schedule III for every time prescribing the medication to a patient; and~~
    - ii. ~~A benzodiazepine medication for the first time prescribing the medication to a patient.~~
  - d. ~~Have a signed pain contract with the patient that states, at a minimum, the expectations of the prescriber for the behavior of the patient which may include:~~
    - i. ~~A requirement for random urine drug screenings to help ensure that the patient is abiding by the requirements of the contract; and~~
    - ii. ~~A requirement for random pill counts to ensure compliance with the prescription.~~
    - iii. ~~The requirements of this section shall not apply to a patient:~~
      1. ~~Whose pain medications are being prescribed for a malignant condition;~~
      2. ~~With a terminal condition;~~
      3. ~~Who is a resident of a licensed healthcare facility;~~
      4. ~~Who is enrolled in a hospice program; or~~
      5. ~~Who is in an inpatient or outpatient palliative care program.~~
    - iv. ~~Within the first two (2) years of being granted a license in the state, a prescriber shall obtain a minimum of three (3) hours of prescribing education approved by the Arkansas State Board of Dental Examiners. The education approved by the board under this section shall include:~~
      1. ~~Options for online and in person programs; and~~
      2. ~~Information on prescribing rules, regulations, and laws that apply to individuals who are licensed in the state.~~
      3. ~~Information and instructions on prescribing controlled substances, record keeping and maintaining safe and professional boundaries.~~

- a. It is incumbent of dentist to prescribe sufficient but minimal opiate medications. Any prescription for a Scheduled II or III opiate shall not exceed the total maximum manufacturer's recommended daily dose for a total of 7 days administration (7 time the MRDD).
- b. Patient record must be documented for need of any re-dosing.
- c. Dentist shall check the information in the Prescription Drug Monitoring Program when prescribing:
  - i. An opioid from Schedule II or III for every time prescribing the medication to a patient; and
  - ii. A benzodiazepine medication for the first time prescribing the medication to a patient
- d. Within the first two (2) years of being granted a license in the state, a prescriber shall obtain a minimum of three (3) hours of prescribing education approved by the board under this section shall include:
  - i. Options for online and in person programs; and
  - ii. Information on prescribing rules, regulations, and laws that apply to individuals who are licensed in Arkansas.
  - iii. Information and instructions on prescribing controlled substances, records keeping and maintain safe and professional boundaries.
- e. Current license in the state have until December 31, 2019 to complete the minimum three (3) hours of prescribing education referenced in this article 3.d.

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