

ARKANSAS REGISTER

Transmittal Sheet

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



For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas State Medical Board

Department _____

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

Statutory Authority for Promulgating Rules A.C.A. § 17-95-303 Act 820 of 2017

Rule Title: Regulation 41- Prescription Drug Monitoring Program

Intended Effective Date
(Check One)

Emergency (ACA 25-15-204)

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

Other _____
(Must be more than 30 days after filing date.)

Legal Notice Published 6/27/2017

Final Date for Public Comment 8/3/2017

Reviewed by Legislative Council 9/12/2017

Adopted by State Agency _____

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

Kevin M. O'Dwyer kodwyer@htolaw.com

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

501-296-1802

Phone Number

E-mail Address

Executive Director, Arkansas State Medical Board

Title

9/20/17

Date

Hope, Trice, O'Dwyer & Wilson, P.A.

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WILLIAM H. TRICE III (1946-2014)

September 18, 2017

Ms. Donna K. Davis, Committee Staff
Bureau of Legislative Research
State Capitol Building, Room 315
Little Rock, AR 72201

**RE: My Client: Arkansas State Medical Board
Proposed Regulation 41, Prescription Drug Monitoring Program**

Dear Ms. Davis:

At its meeting on September 12, 2017, the Arkansas State Medical Board approved the proposed Regulation 41 as amended. No-one spoke against the proposal.

Enclosed are the following:

1. Two copies of the approved Regulation 41, Prescription Drug Monitoring Program.

I am also emailing all of this to you at donna@arkleg.state.ar.us, and the Secretary of State's office at statedocs@library.arkansas.gov.

Respectfully,



Kevin M. O'Dwyer
Attorney for the Arkansas State Medical Board

KMO/jab

Enclosures

cc: Karen Whatley, Executive Secretary, Arkansas State Medical Board

REGULATION 41

PRESCRIPTION DRUG MONITORING PROGRAM

- A. Pursuant to Arkansas Code Annotated §20-7-604(d), healthcare providers are encouraged to access or check the information in the controlled substance database before prescribing, dispensing, or administering medications. For purposes of this Regulation a healthcare provider is defined as a “physician” or “physician assistant”.
- B. A healthcare provider shall check the information in the Prescription Drug Monitoring Program when prescribing:
 - 1. An opioid from Schedule II or Schedule III for every time prescribing the medication to a patient; and
 - 2. A benzodiazepine medication for the first time prescribing the medication to a patient.
- C. This Regulation does not apply to the following:
 - 1. A healthcare provider administering a controlled substance:
 - i. Immediately before or during surgery;
 - ii. During recovery from a surgery while in a healthcare facility;
 - iii. In a healthcare facility; or
 - iv. Necessary to treat a patient in an emergency situation at the scene of an emergency, in a licensed ground ambulance or air ambulance, or in the intensive care unit of a licensed hospital;
 - 2. A healthcare provider prescribing or administering a controlled substance to:
 - i. A palliative care or hospice patient; or
 - ii. A resident in a licensed nursing home facility; or
 - 3. Situations in which the Prescription Drug Monitoring Program is not accessible due to technological or electrical failure.
- D. A licensed oncologist shall check the Prescription Drug Monitoring Program when prescribing to a patient on an initial malignant episodic diagnosis and every three (3) months following the diagnosis while continuing treatment.
- E. A healthcare provider must document in the patient record that the Prescription Drug Monitoring Program was checked.
- F. A healthcare provider who purposely fails to access the Prescription Drug Monitoring Program as required is subject to disciplinary action by the Arkansas State Medical Board.

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