

2018 -- H 7496 SUBSTITUTE A

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LC003028/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT --
NON-OPIATE DIRECTIVE

Introduced By: Representatives Mattiello, Ackerman, McNamara, Edwards, and Serpa

Date Introduced: February 08, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 21-28 of the General Laws entitled "Uniform Controlled
2 Substances Act" is hereby amended by adding thereto the following section:

3 **21-28-3.33. Voluntary non-opiate directive form.**

4 (a) The department shall establish a voluntary non-opiate directive form. The form shall
5 indicate to all practitioners that an individual shall not be administered or offered a prescription or
6 medication order for an opiate. The form shall be posted on the department's searchable website.
7 An individual may execute and file a voluntary non-opiate directive form with a practitioner
8 licensed under chapter 37 of title 5 or other authority authorized by the director to accept the
9 voluntary non-opiate directive form for filing. An individual may revoke the voluntary non-opiate
10 directive form for any reason and may do so by written or oral means.

11 (b) The department shall promulgate regulations for the implementation of the voluntary
12 non-opiate directive form which shall include, but not be limited to:

13 (1) The procedures to record the voluntary non-opiate directive form in the individual's
14 electronic health record and in the prescription drug monitoring program established pursuant to §
15 21-28-3.18;

16 (2) A standard form for the recording and transmission of the voluntary non-opiate
17 directive form, which shall include verification by a practitioner registered under chapter 37 of
18 title 5 and which shall comply with the written consent requirements of the Public Health Service

1 Act, 42 U.S.C. § 290dd-2(b), and 42 CFR Part 2; provided, however, that the voluntary non-
2 opiate directive form shall also provide the basic procedures necessary to revoke the voluntary
3 non-opiate directive form;

4 (3) The requirements for an individual to appoint a duly authorized guardian or health
5 care proxy to override a previously recorded voluntary non-opiate directive form;

6 (4) The procedures to ensure that any recording, sharing or distribution of data relative to
7 the voluntary non-opiate directive form complies with all state and federal confidentiality laws;
8 and

9 (5) Appropriate exemptions for pre-hospital emergency medical services providers and
10 other medical personnel.

11 (c) A written prescription that is presented at an outpatient pharmacy or a prescription
12 that is electronically transmitted to an outpatient pharmacy shall be presumed to be valid for the
13 purposes of this section and a pharmacist in an outpatient setting shall not be held in violation of
14 this section for dispensing a controlled substance in contradiction to a voluntary non-opiate
15 directive form, except upon evidence that the pharmacist acted knowingly against the voluntary
16 non-opiate directive form.

17 (d) No health care provider or employee of a health care provider acting in good faith
18 shall be subject to criminal or civil liability or be considered to have engaged in unprofessional
19 conduct for failing to offer or administer a prescription or medication order for an opiate under
20 the voluntary non-opiate directive form.

21 (e) No person acting as an agent pursuant to a health care proxy shall be subject to
22 criminal or civil liability for making a decision under subsection (b)(3) of this section in good
23 faith.

24 (f) The board of medical licensure and discipline may limit, condition or suspend the
25 license of or assess fines against a licensed health care provider who recklessly or negligently
26 fails to comply with a person's voluntary non-opiate directive form.

27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT --
NON-OPIATE DIRECTIVE

- 1 This act would establish a procedure for individuals to file a revocable voluntary non-
- 2 opiate directive form with the person's licensed health care practitioner.
- 3 This act would take effect upon passage.

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