



Oklahoma's Opioid-Prescribing Laws Will Change on November 1, 2018

Senate Bill 1446 (effective November 1, 2018) amends several Oklahoma laws, imposing duties related to prescription opioids on healthcare practitioners. The amended law requires M.D. physicians to annually complete at least one hour of education on pain management or opioid use/addiction. SB 1466 also adds definitions that are key to interpreting 63 O.S. § 2-309I, a new statute enacted by SB 1446. Under 63 O.S. § 2-309I, practitioners must satisfy various duties before issuing initial and subsequent prescriptions for a Schedule II drug or any opioid—e.g., gathering patient data, disclosing risks, limiting prescriptions to a seven-day supply, entering patient-provider agreements in specific situations, and requiring certain written policies. SB 1446 also addresses discipline by expanding the “unprofessional conduct” definition, providing that failure to properly use the central repository (i.e., PMP) is grounds for disciplinary action, and authorizing the Oklahoma Bureau of Narcotics & Dangerous Drugs to provide unsolicited notification to licensing boards under certain conditions.

Action items for healthcare entities:

1. Ensure M.D. physicians satisfy their education requirements.
2. Ensure practitioners satisfy their duties before issuing initial and subsequent prescriptions.
3. Adopt a written policy that includes execution of a written agreement to engage in an informed consent process between the prescribing provider and “qualifying opioid therapy patient.”
4. Develop a patient-provider agreement.

The Oklahoma State Medical Association (OSMA) provides a copy of SB 1446, a summary of Oklahoma law as amended by SB 1446, a sample policy, and a sample patient-provider agreement on its website: http://www.okmed.org/WEB/Online/News/Pill_Limit_Law_Best_Practice_Guidelines_Released.aspx?WebsiteKey=8a52edde-252c-40e1-9b28-f9b1691851f3.

Our Healthcare Practice Group can help healthcare providers comply with SB 1446. Please contact one of our healthcare attorneys to discuss details and applicability of the new laws, potential operational issues, and tailoring the OSMA's sample policy and agreement to your practice. GableGotwals attorneys with experience on SB 1446 include:

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