

New Prescribing Requirements for Controlled Substances

HB 7095, was signed into law on Friday, June 3, 2011. This new law gives law enforcement and state health officials more tools to go after pain clinics and the doctors who dole out excessive numbers of prescription pills to drug dealers and abusers. Unfortunately, legislators also included numerous provisions related to the prescribing of controlled substances that will have a significant impact on all physicians practicing in the state of Florida.

Beginning January 1, 2012, a physician who prescribes any controlled substance, as defined in s. 893.03, F.S., for the treatment of chronic nonmalignant pain must follow certain standards of practice. These are listed below, but first chronic nonmalignant pain is defined as “pain unrelated to cancer or rheumatoid arthritis which persists beyond the course of disease or the injury that is the cause of the pain or more than 90 days after surgery.”

The standards, which do not supersede the level of care, skill, and treatment recognized in general law related to health care licensure, include, but are not limited to, the following:

- A complete medical history and a physical examination must be conducted before beginning any treatment and must be documents in the medical records.
- A patient must have a written individualized treatment plan with specific objectives.
- The physician must discuss the risks and benefits of the use of controlled substances with the patient, persons designated by the patient, or the patient’s surrogate or guardian if the patient is incompetent.
- The patient must be seen by the physician at regular intervals not to exceed 3 months, to assess the efficacy of treatment.
- The physician shall refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives.
- A physician registered under this section must maintain accurate, current, and complete records that are accessible and readily available for review.
- Patients with signs or symptoms of substance abuse shall be immediately referred to a board-certified pain management physician, an addiction medicine specialist, or a mental health addiction facility.

Because the above standards are being added to s. 456.44, Florida Statutes, they are the responsibility of the physician and not the responsibility of the nursing home or assisted living facility. Remember, the new law was effective July 1, 2011.

You may access a copy of the bill and access other resources at:

<http://www.doh.state.fl.us/mqa/HB7095.html>