

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1646

S.P. 671

In Senate, March 10, 2016

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**An Act To Prevent Opiate Abuse by Strengthening the Controlled  
Substances Prescription Monitoring Program**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator CUSHING of Penobscot. (GOVERNOR'S BILL)  
Cosponsored by Representative McCABE of Skowhegan and  
Senators: HASKELL of Cumberland, MASON of Androscoggin, McCORMICK of Kennebec,  
Representatives: ESPLING of New Gloucester, HEAD of Bethel, PETERSON of Rumford,  
SANDERSON of Chelsea, VACHON of Scarborough.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §7249, sub-§4**, as enacted by PL 2003, c. 483, §1, is amended  
3 to read:

4 **4. Immunity from liability.** A dispenser or prescriber is immune from liability for  
5 disclosure of information if the disclosure was made pursuant to and in accordance with  
6 this chapter.

7 **Sec. 2. 22 MRSA §7251, sub-§1**, as amended by PL 2011, c. 657, Pt. AA, §70, is  
8 further amended to read:

9 **1. Failure to submit information.** A dispenser who knowingly fails to submit  
10 prescription monitoring information to the department as required by this chapter  
11 commits a civil violation for which a fine of \$250 per incident, not to exceed \$5,000 per  
12 calendar year, may be adjudged and is subject to discipline by the Maine Board of  
13 Pharmacy pursuant to Title 32, chapter 117, subchapter 4 or by the applicable  
14 professional licensing entity.

15 **Sec. 3. 22 MRSA §7253** is enacted to read:

16 **§7253. Prescribers and dispensers required to check prescription monitoring**  
17 **information**

18 **1. Prescribers.** Upon initial prescription of a benzodiazepine or an opioid to a  
19 person and every 90 days for as long as the prescription is renewed, a prescriber shall  
20 check prescription monitoring information for records related to that person.

21 **2. Dispensers.** Prior to dispensing a benzodiazepine or an opioid to a person, a  
22 dispenser shall check prescription monitoring information for records related to that  
23 person. A dispenser shall notify the program and withhold a prescription until the  
24 dispenser is able to contact the prescriber of that prescription if the dispenser has reason  
25 to believe that that prescription is fraudulent or duplicative.

26 **3. Violation.** A person who violates this section commits a civil violation for which  
27 a fine of \$250 per incident, not to exceed \$5,000 per calendar year, may be adjudged.

28 **4. Rulemaking.** Notwithstanding section 7252, the department may adopt routine  
29 technical rules as defined in Title 5, chapter 375, subchapter 2-A to implement this  
30 section.

31 **Sec. 4. 32 MRSA §1062-B** is enacted to read:

32 **§1062-B. Requirements regarding prescription of opioid pain medication**

33 **1. Limits on opioid prescribing.** An individual licensed under this chapter and  
34 whose scope of practice includes prescribing medication:

35 **A.** Must successfully complete a training course by December 31, 2017 and every 5  
36 years thereafter on the prescription of opioid pain medication that has been approved

1 by the Department of Health and Human Services as a condition of prescribing opioid  
2 pain medications. The department shall make publicly available a list of approved  
3 opioid prescription training courses;

4 B. May not prescribe in excess of 100 morphine milligram equivalents of an opioid  
5 pain medication per day to any one patient;

6 C. May not prescribe within a 15-day period more than a 15-day supply of an opioid  
7 pain medication to a patient under treatment for chronic pain;

8 D. May not prescribe within a 3-day period more than a 3-day supply of an opioid  
9 pain medication to a patient under treatment for acute pain; and

10 E. Beginning January 1, 2018, may only prescribe opioid pain medications  
11 electronically.

12 **2. Penalties.** An individual who violates this section commits a civil violation for  
13 which a fine of \$250 per violation, not to exceed \$5,000 per calendar year, may be  
14 adjudged. The Department of Health and Human Services is responsible for the  
15 enforcement of this section.

16 **Sec. 5. 32 MRSA §1077, sub-§2, ¶H,** as amended by PL 1993, c. 600, Pt. A,  
17 §62, is further amended to read:

18 H. A violation of this chapter or a rule adopted by the board; ~~or~~

19 **Sec. 6. 32 MRSA §1077, sub-§2, ¶I,** as enacted by PL 1983, c. 378, §7, is  
20 amended to read:

21 I. Engaging in false, misleading or deceptive advertising; ~~or~~

22 **Sec. 7. 32 MRSA §1077, sub-§2, ¶J** is enacted to read:

23 J. Failure to comply with the requirements of Title 22, section 7251, subsection 1 or  
24 Title 22, section 7253.

25 **Sec. 8. 32 MRSA §2105-A, sub-§2, ¶H,** as amended by PL 1993, c. 600, Pt. A,  
26 §116, is further amended to read:

27 H. A violation of this chapter or a rule adopted by the board; ~~or~~

28 **Sec. 9. 32 MRSA §2105-A, sub-§2, ¶I,** as enacted by PL 1983, c. 378, §21, is  
29 further amended to read:

30 I. Engaging in false, misleading or deceptive advertising; ~~or~~

31 **Sec. 10. 32 MRSA §2105-A, sub-§2, ¶J** is enacted to read:

32 J. Failure to comply with the requirements of Title 22, section 7251, subsection 1 or  
33 Title 22, section 7253.

34 **Sec. 11. 32 MRSA §2210** is enacted to read:

1           **§2210. Requirements regarding prescription of opioid pain medication**

2           **1. Limits on opioid prescribing.** An individual licensed under this subchapter:

3           A. Must successfully complete a training course by December 31, 2017 and every 5  
4           years thereafter on the prescription of opioid pain medication that has been approved  
5           by the Department of Health and Human Services as a condition of prescribing opioid  
6           pain medications. The department shall make publicly available a list of approved  
7           opioid prescription training courses;

8           B. May not prescribe in excess of 100 morphine milligram equivalents of an opioid  
9           pain medication per day to any one patient;

10          C. May not prescribe within a 15-day period more than a 15-day supply of an opioid  
11          pain medication to a patient under treatment for chronic pain;

12          D. May not prescribe within a 3-day period more than a 3-day supply of an opioid  
13          pain medication to a patient under treatment for acute pain; and

14          E. Beginning January 1, 2018, may only prescribe opioid pain medications  
15          electronically.

16          **2. Penalties.** An individual who violates this section commits a civil violation for  
17          which a fine of \$250 per violation, not to exceed \$5,000 per calendar year, may be  
18          adjudged. The Department of Health and Human Services is responsible for the  
19          enforcement of this section.

20          **Sec. 12. 32 MRSA §2591-A, sub-§2, ¶M,** as amended by PL 1997, c. 680, Pt. B,  
21          §6, is further amended to read:

22                 M. Failure to comply with the requirements of Title 24, section 2905-A; ~~or~~

23          **Sec. 13. 32 MRSA §2591-A, sub-§2, ¶N,** as enacted by PL 1997, c. 680, Pt. B,  
24          §7, is amended to read:

25                 N. Revocation, suspension or restriction of a license to practice medicine or other  
26                 disciplinary action; denial of an application for a license; or surrender of a license to  
27                 practice medicine following the institution of disciplinary action by another state or a  
28                 territory of the United States or a foreign country if the conduct resulting in the  
29                 disciplinary or other action involving the license would, if committed in this State,  
30                 constitute grounds for discipline under the laws or rules of this State; or

31          **Sec. 14. 32 MRSA §2591-A, sub-§2, ¶O** is enacted to read:

32                 O. Failure to comply with the requirements of Title 22, section 7251, subsection 1 or  
33                 Title 22, section 7253.

34          **Sec. 15. 32 MRSA §2600-C** is enacted to read:

35           **§2600-C. Requirements regarding prescription of opioid pain medication**

36           **1. Limits on opioid prescribing.** An individual licensed under this chapter:

1           A. Must successfully complete a training course by December 31, 2017 and every 5  
2           years thereafter on the prescription of opioid pain medication that has been approved  
3           by the Department of Health and Human Services as a condition of prescribing opioid  
4           pain medications. The department shall make publicly available a list of approved  
5           opioid prescription training courses;

6           B. May not prescribe in excess of 100 morphine milligram equivalents of an opioid  
7           pain medication per day to any one patient;

8           C. May not prescribe within a 15-day period more than a 15-day supply of an opioid  
9           pain medication to a patient under treatment for chronic pain;

10          D. May not prescribe within a 3-day period more than a 3-day supply of an opioid  
11          pain medication to a patient under treatment for acute pain; and

12          E. Beginning January 1, 2018, may only prescribe opioid pain medications  
13          electronically.

14          **2. Penalties.** An individual who violates this section commits a civil violation for  
15          which a fine of \$250 per violation, not to exceed \$5,000 per calendar year, may be  
16          adjudged. The Department of Health and Human Services is responsible for the  
17          enforcement of this section.

18          **Sec. 16. 32 MRSA §3282-A, sub-§2, ¶¶Q and R,** as enacted by PL 2013, c.  
19          355, §12, are amended to read:

20           Q. Failure to produce upon request of the board any documents in the licensee's  
21           possession or under the licensee's control concerning a pending complaint or  
22           proceeding or any matter under investigation by the board, unless otherwise  
23           prohibited by state or federal law; ~~or~~

24           R. Failure to timely respond to a complaint notification sent by the board; or

25          **Sec. 17. 32 MRSA §3282-A, sub-§2, ¶S** is enacted to read:

26           S. Failure to comply with the requirements of Title 22, section 7251, subsection 1 or  
27           Title 22, section 7253.

28          **Sec. 18. 32 MRSA §3300-F** is enacted to read:

29          **§3300-F. Requirements regarding prescription of opioid pain medication**

30           **1. Limits on opioid prescribing.** An individual licensed under this chapter:

31           A. Must successfully complete a training course by December 31, 2017 and every 5  
32           years thereafter on the prescription of opioid pain medication that has been approved  
33           by the Department of Health and Human Services as a condition of prescribing opioid  
34           pain medications. The department shall make publicly available a list of approved  
35           opioid prescription training courses;

36           B. May not prescribe in excess of 100 morphine milligram equivalents of an opioid  
37           pain medication per day to any one patient;

- 1           C. May not prescribe within a 15-day period more than a 15-day supply of an opioid  
2           pain medication to a patient under treatment for chronic pain;
- 3           D. May not prescribe within a 3-day period more than a 3-day supply of an opioid  
4           pain medication to a patient under treatment for acute pain; and
- 5           E. Beginning January 1, 2018, may only prescribe opioid pain medications  
6           electronically.

7           **2. Penalties.** An individual who violates this section commits a civil violation for  
8           which a fine of \$250 per violation, not to exceed \$5,000 per calendar year, may be  
9           adjudged. The Department of Health and Human Services is responsible for the  
10           enforcement of this section.

11           **Sec. 19. 32 MRSA §3656, sub-§§3 and 4,** as enacted by PL 2007, c. 402, Pt. P,  
12           §14, are amended to read:

- 13           **3. False advertising.** Engaging in false, misleading or deceptive advertising; ~~or~~
- 14           **4. Unlawful prescription of controlled substance.** Prescribing narcotic or hypnotic  
15           or other drugs listed as controlled substances by the federal Drug Enforcement  
16           Administration for other than accepted therapeutic purposes; or

17           **Sec. 20. 32 MRSA §3656, sub-§5** is enacted to read:

18           **5. Controlled Substances Prescription Monitoring Program.** Failure to comply  
19           with the requirements of Title 22, section 7251, subsection 1 or Title 22, section 7253.

20           **Sec. 21. 32 MRSA §3657** is enacted to read:

21           **§3657. Requirements regarding prescription of opioid pain medication**

- 22           **1. Limits on opioid prescribing.** An individual licensed under this chapter:
  - 23           A. Must successfully complete a training course by December 31, 2017 and every 5  
24           years thereafter on the prescription of opioid pain medication that has been approved  
25           by the Department of Health and Human Services as a condition of prescribing opioid  
26           pain medications. The department shall make publicly available a list of approved  
27           opioid prescription training courses;
  - 28           B. May not prescribe in excess of 100 morphine milligram equivalents of an opioid  
29           pain medication per day to any one patient;
  - 30           C. May not prescribe within a 15-day period more than a 15-day supply of an opioid  
31           pain medication to a patient under treatment for chronic pain;
  - 32           D. May not prescribe within a 3-day period more than a 3-day supply of an opioid  
33           pain medication to a patient under treatment for acute pain; and
  - 34           E. Beginning January 1, 2018, may only prescribe opioid pain medications  
35           electronically.

