

SECOND REGULAR SESSION

HOUSE BILL NO. 2244

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PAGE.

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D. ADAM CRUMBLISS, Chief Clerk

5207L.01I

AN ACT

To repeal sections 334.105 and 334.106, RSMo, and to enact in lieu thereof two new sections relating to pain treatment.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 334.105 and 334.106, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 334.105 and 334.106, to read as follows:

334.105. 1. Sections 334.105 to 334.107 shall be known and may be cited as the "[Intractable] Pain Treatment Act".

2. For purposes of sections 334.105 to 334.107, the following terms mean:

(1) "Board", the state board of registration for the healing arts;

(2) ["Intractable pain", a pain state in which the cause of pain cannot be removed or otherwise treated and which in the generally accepted course of medical practice no relief or cure of the cause of the pain is possible or none has been found after reasonable efforts that have been documented in the physician's medical records;

(3)] "Physician", physicians and surgeons licensed pursuant to this chapter by the board;

[(4)] (3) "Therapeutic purpose", the use of controlled substances in acceptable doses with appropriate indication for the treatment of pain. Any other use is nontherapeutic.

334.106. 1. Notwithstanding any other provision of law to the contrary, a physician may prescribe, administer or dispense controlled substances for a therapeutic purpose to a person diagnosed and treated by a physician for a condition resulting in [intractable pain, if such] **pain**. **The** diagnosis and treatment [has been] **shall be** documented in the physician's medical records.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 No physician shall be subject to disciplinary action by the board solely for prescribing,
6 administering or dispensing controlled substances when prescribed, administered or dispensed
7 for a therapeutic purpose [for a person diagnosed and treated by a physician for a condition
8 resulting in intractable pain, if such diagnosis and treatment has been documented in the
9 physician's medical records].

10 2. The provisions of subsection 1 of this section shall not apply to those persons being
11 treated by a physician for chemical dependency because of their use of controlled substances not
12 related to the therapeutic purposes of treatment of intractable pain.

13 3. The provisions of subsection 1 of this section provide no authority to a physician to
14 prescribe, administer or dispense controlled substances to a person the physician knows or
15 should know to be using controlled substances which use is not related to the therapeutic
16 purpose.

17 4. Drug dependency or the possibility of drug dependency in and of itself is not a reason
18 to withhold or prohibit the prescribing, administering or dispensing of controlled substances for
19 the therapeutic purpose of treatment of a person for [intractable] pain, nor shall dependency
20 relating solely to such prescribing, administering or dispensing subject a physician to disciplinary
21 action by the board.

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