

## MISSOURI

Missouri Revised Statutes

Title XXII: Occupations and Progress.

Chapter 334: Physicians and Surgeons - Therapists - Athletic Trainers

Section 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 and 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) "Therapeutic purpose", the use of controlled substances in acceptable doses with appropriate indication for the treatment of pain. Any other use is nontherapeutic.

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

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

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

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

Section 334.107

Nothing in this section shall deny the right of the board to deny, revoke or suspend the license of any physician or otherwise discipline any physician who:

- (1) Prescribes, administers or dispenses a controlled substance that is nontherapeutic in nature or nontherapeutic in the manner in which it is prescribed, administered or dispensed, or fails to keep complete and accurate on-going records of the diagnosis and treatment plan;
- (2) Fails to keep complete and accurate records of controlled substances received, prescribed, dispensed and administered, and disposal of drugs listed in the Missouri comprehensive drug control act contained in chapter 195, RSMo, or of controlled substances scheduled in the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801, et seq. A physician shall keep records of controlled substances received, prescribed, dispensed and administered, and disposal of these drugs shall include the date of receipt of the drugs, the sale or disposal of the drugs by the physician, the name and address of the person receiving the drugs, and the reason for the disposal or the dispensing of the drugs to the person;
- (3) Writes false or fictitious prescriptions for controlled substances as defined in the Missouri comprehensive drug control act, chapter 195, RSMo, or for controlled substances scheduled in the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801, et seq.; or
- (4) Prescribes or administers, or dispenses in a manner which is inconsistent with provisions of the Missouri drug control act contained in chapter 195, RSMo, or the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801, et seq.

(L. 1995 S.B. 125 § 334.106 subsec. 5)