

SENATE FILE  
BY MCCOY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act providing for the administration of controlled substances  
2 to persons experiencing intractable pain.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 384

1 Section 1. NEW SECTION. 144D.1 SHORT TITLE.

2 This chapter shall be cited as the "Intractable Pain  
3 Treatment Act".

4 Sec. 2. NEW SECTION. 144D.2 DEFINITIONS.

5 As used in this chapter, unless the context otherwise  
6 requires:

7 1. "Board" means the board of medical examiners  
8 established in chapter 147.

9 2. "Intractable pain" means a state of pain in which the  
10 cause of pain cannot be removed or otherwise treated and which  
11 in the generally accepted course of medical practice no relief  
12 or cure of the cause of the pain is possible or none has been  
13 found after reasonable efforts that have been documented in  
14 the patient's medical records by the patient's physician.

15 3. "Physician" means a physician licensed to practice  
16 medicine and surgery, osteopathic medicine and surgery, or  
17 osteopathy.

18 4. "Therapeutic purpose" means the use of controlled  
19 substances in acceptable doses with appropriate indication for  
20 the treatment of pain. Any other use is nontherapeutic.

21 Sec. 3. NEW SECTION. 144D.3 REQUIREMENTS

22 1. A physician may prescribe, administer or dispense  
23 controlled substances for a therapeutic purpose to a patient  
24 diagnosed and treated by a physician for a condition resulting  
25 in intractable pain, if such diagnosis and treatment has been  
26 documented in the patient's medical records by the patient's  
27 physician.

28 2. A physician shall not be subject to disciplinary action  
29 by the board solely for prescribing, administering, or  
30 dispensing controlled substances when prescribed,  
31 administered, or dispensed for a therapeutic purpose for a  
32 patient diagnosed and treated by a physician for a condition  
33 resulting in intractable pain, if such diagnosis and treatment  
34 has been documented in the patient's medical records by the  
35 patient's physician.

1 3. Subsections 1 and 2 shall not apply to those persons  
2 being treated by a physician for chemical dependency because  
3 of their use of controlled substances not related to the  
4 therapeutic purpose of treatment of intractable pain. A  
5 physician shall not prescribe, administer, or dispense  
6 controlled substances to a person the physician knows or  
7 should know to be using controlled substances, which use is  
8 not related to a therapeutic purpose. Chemical dependency, or  
9 the possibility of chemical dependency, is not, however, in  
10 and of itself a reason to withhold or prohibit the  
11 prescribing, administering, or dispensing of controlled  
12 substances for the therapeutic purpose of treatment of a  
13 person for intractable pain, nor shall dependency relating  
14 solely to such prescribing, administering, or dispensing  
15 subject a physician to disciplinary action by the board.

16 4. This section does not deny the right of the board to  
17 deny, revoke, or suspend the license of a physician or  
18 otherwise discipline a physician who does any of the  
19 following:

20 a. Prescribes, administers, or dispenses a controlled  
21 substance that is nontherapeutic in nature or nontherapeutic  
22 in the manner in which it is prescribed, administered, or  
23 dispensed, or fails to keep complete and accurate ongoing  
24 records of the diagnosis and treatment plan.

25 b. Writes false or fictitious prescriptions for controlled  
26 substances listed in chapter 124 or the federal Comprehensive  
27 Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. §  
28 801, et seq.

29 c. Prescribes, administers, or dispenses in a manner which  
30 is inconsistent with the provisions of chapter 124 or the  
31 federal Comprehensive Drug Abuse Prevention and Control Act of  
32 1970, 21 U.S.C. § 801, et seq.

33 EXPLANATION

34 This bill provides that a physician licensed and regulated  
35 pursuant to chapter 147, 148, 150, or 150A may prescribe,

1 administer, or dispense controlled substances for treatment of  
2 intractable pain. The bill defines intractable pain as a  
3 state of pain in which the cause of the pain cannot be  
4 discovered, removed, cured, or otherwise treated or relieved  
5 in the generally accepted course of medical practice. The  
6 bill provides that a physician shall not be subject to  
7 disciplinary action by the board of medical examiners solely  
8 for prescribing, administering, or dispensing controlled  
9 substances for a therapeutic purpose to a person diagnosed and  
10 treated for a condition resulting in intractable pain, if such  
11 a diagnosis and treatment has been documented in the patient's  
12 medical records by the patient's physician. The bill provides  
13 that these provisions shall not apply to cases involving  
14 individuals being treated for chemical dependency because of  
15 their use of controlled substances not related to the  
16 therapeutic purpose of treatment of intractable pain. The  
17 bill additionally provides that the board retains the ability  
18 to deny, revoke, or suspend the license of, or otherwise  
19 discipline, any physician who prescribes, administers, or  
20 dispenses a controlled substance that is nontherapeutic in  
21 nature or in the manner prescribed, administered, or  
22 dispensed. Board regulatory authority also applies to  
23 physicians who fail to keep diagnosis, treatment plan, and  
24 controlled substance administration records, or who write  
25 false or fictitious prescriptions for controlled substances,  
26 or prescribe, administer, or dispense controlled substances in  
27 a manner inconsistent with the provisions of chapter 124 or  
28 the federal Comprehensive Drug Abuse Prevention and Control  
29 Act of 1970.

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