

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 338

HOUSE BILL 2616

AN ACT

AMENDING SECTION 23-1062.02, ARIZONA REVISED STATUTES; RELATING TO PAYMENT OF WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-1062.02, Arizona Revised Statutes, is amended to
3 read:

4 23-1062.02. Off-label prescription of controlled substances;
5 prescription of schedule II controlled
6 substances; reports; treatment plans; definition

7 A. On written request of an interested party as defined in section
8 23-901, a physician shall include in the report required under commission
9 rule information pertaining to THE FOLLOWING:

10 1. The off-label use of a narcotic, opium based controlled substance
11 or schedule II controlled substance by a claimant. ~~which may~~

12 2. THE USE OF A NARCOTIC OR OPIUM BASED CONTROLLED SUBSTANCE OR THE
13 PRESCRIPTION OF A COMBINATION OF NARCOTICS OR OPIUM BASED CONTROLLED
14 SUBSTANCES AT OR EXCEEDING A ONE HUNDRED TWENTY MILLIGRAM MORPHINE EQUIVALENT
15 DOSE PER DAY.

16 3. THE PRESCRIPTION OF A LONG-ACTING OR CONTROLLED RELEASE OPIOID FOR
17 ACUTE PAIN.

18 B. THE INFORMATION REQUIRED PURSUANT TO SUBSECTION A OF THIS SECTION
19 SHALL include the justification for use of the controlled substance, and a
20 treatment plan that includes a description of measures that the physician
21 will implement to monitor and prevent the development of abuse, dependence,
22 addiction or diversion by the employee. The interested party may also
23 request that THE PHYSICIAN SUBMIT AN INQUIRY TO THE ARIZONA STATE BOARD OF
24 PHARMACY REQUESTING PRESCRIPTION INFORMATION FOR THE EMPLOYEE COMPILED UNDER
25 THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM PRESCRIBED IN TITLE
26 36, CHAPTER 28, AND THAT THE PHYSICIAN INCLUDE IN the treatment plan ~~include~~
27 a medication contract, a plan for subsequent follow-up visits and drug
28 testing and documentation that the medication regime is providing relief that
29 is demonstrated by improved function.

30 ~~B.~~ C. If the physician does not comply with this section: ~~—~~

31 1. The interested party is not responsible for payment for the
32 physician's services until the physician complies with subsection A of this
33 section.

34 2. THE EMPLOYER, CARRIER OR COMMISSION MAY REQUEST A CHANGE OF
35 PHYSICIAN.

36 D. AN EMPLOYER, A CARRIER OR THE COMMISSION MAY REQUEST THE
37 INFORMATION REQUIRED PURSUANT TO SUBSECTION A OF THIS SECTION AND REQUIRE
38 PHYSICIAN COMPLIANCE WITH THIS SECTION NOTWITHSTANDING THE EXISTENCE OF A
39 PRIOR AWARD ADDRESSING MEDICAL MAINTENANCE BENEFITS FOR MEDICATIONS. AN
40 EMPLOYER OR CARRIER IS NOT LIABLE FOR BAD FAITH OR UNFAIR CLAIMS PROCESSING
41 FOR ANY ACT TAKEN IN COMPLIANCE OF AND CONSISTENT WITH THIS SECTION.

42 ~~G.~~ E. For the purposes of this section, "off-label use" means use of
43 a prescription medication by a physician to treat a condition other than the
44 use for which the drug was approved by the United States food and drug
45 administration.

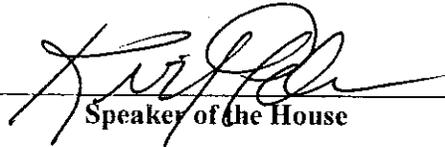
APPROVED BY THE GOVERNOR APRIL 29, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2011.

Passed the House March 1, 20 11

by the following vote: 56 Ayes,

1 Nays, 3 Not Voting

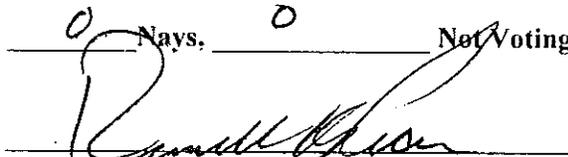

Speaker of the House

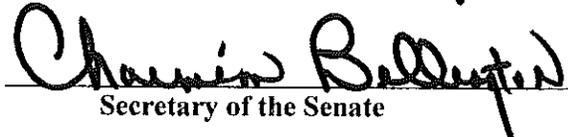

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 20, 20 11

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting


President of the Senate


Chairman Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 20 11

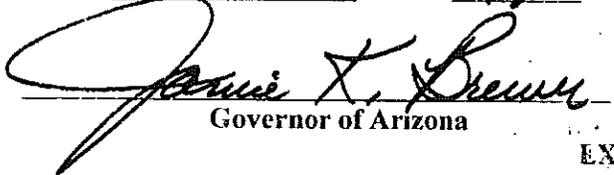
at 8:30 o'clock A. M.


Secretary to the Governor

Approved this 29th day of

April

at 11:30 o'clock A. M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29th day of April, 20 11

at 7:30 o'clock P. M.


Secretary of State

H.B. 2616