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**SUBSTITUTE SENATE BILL 6592**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senator Prentice)

Read first time 02/06/98. Referred to Committee on .

1 AN ACT Relating to the administration of controlled substances to  
2 persons experiencing intractable pain; adding a new chapter to Title 69  
3 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act shall be known and may be cited as  
6 the intractable pain treatment act.

7 NEW SECTION. **Sec. 2.** The legislature finds and declares that:

8 (1) Appropriate pain management for persons experiencing  
9 intractable pain may involve the administration of controlled  
10 substances;

11 (2) Nonetheless, state medical boards have used their disciplinary  
12 authority to deter the prescribing of controlled substances for  
13 intractable pain; and

14 (3) Additionally, physicians have been investigated and prosecuted  
15 for prescribing controlled substances for intractable pain.

16 NEW SECTION. **Sec. 3.** In this chapter, "intractable pain" means a  
17 pain state in which the cause of the pain cannot be removed or

1 otherwise treated and which in the generally accepted course of medical  
2 practice no relief or cure of the cause of the pain is possible or none  
3 has been found after reasonable efforts including, but not limited to,  
4 evaluation by the attending physician and one or more physicians  
5 specializing in the treatment of the area, system, or organ of the body  
6 perceived as the source of pain.

7 NEW SECTION. **Sec. 4.** (1) A physician, or health professional who  
8 is authorized by law to administer, dispense, order, or prescribe  
9 controlled substances, may prescribe or administer controlled  
10 substances to a person in the course of the physician's treatment of  
11 that person for a diagnosed condition causing intractable pain.

12 (2) A physician, or health professional who is authorized by law to  
13 administer, dispense, order, or prescribe controlled substances, shall  
14 not be subject to disciplinary action by the department of health or  
15 the medical quality assurance commission under chapter 18.71 RCW for  
16 prescribing or administering controlled substances in the course of  
17 treatment of a person for intractable pain.

18 (3) A physician, or health professional who is authorized by law to  
19 administer, dispense, order, or prescribe controlled substances, shall  
20 not be subject to criminal prosecution for prescribing or administering  
21 controlled substances in the course of treatment of a person for  
22 intractable pain.

23 (4) This section does not authorize a physician to prescribe or  
24 administer controlled substances to those persons being treated by the  
25 physician for chemical dependency because of their use of drugs or  
26 controlled substances.

27 (5) This section does not authorize a physician, or health  
28 professional who is authorized by law to administer, dispense, order,  
29 or prescribe controlled substances, to prescribe or administer  
30 controlled substances to a person the physician knows to be using drugs  
31 or substances for nontherapeutic purposes.

32 (6) This section does not limit the authority to deny, revoke, or  
33 suspend the license of any physician who fails to keep accurate records  
34 of purchases and disposals of controlled substances, writes false or  
35 fictitious prescriptions for controlled substances, or prescribes,  
36 administers, or dispenses in violation of statute.

1        NEW SECTION.    **Sec. 5.**    This act is necessary for the immediate  
2 preservation of the public peace, health, or safety, or support of the  
3 state government and its existing public institutions, and takes effect  
4 immediately.

5        NEW SECTION.    **Sec. 6.**    If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

9        NEW SECTION.    **Sec. 7.**    Nothing in chapter . . . , Laws of 1998 (this  
10 act) shall be construed to permit the use of substances listed in  
11 schedule I of the uniform controlled substances act for the treatment  
12 of intractable pain.

13        NEW SECTION.    **Sec. 8.**    Sections 1 through 7 of this act constitute  
14 a new chapter in Title 69 RCW.

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