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SENATE BILL 6592

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State of Washington

55th Legislature

1998 Regular Session

By Senator Prentice

Read first time 01/22/98. Referred to Committee on Health & Long-Term Care.

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 may prescribe or administer  
8 controlled substances to a person in the course of the physician's  
9 treatment of that person for a diagnosed condition causing intractable  
10 pain.

11 (2) A physician shall not be subject to disciplinary action by the  
12 department of health or the medical quality assurance commission under  
13 chapter 18.71 RCW for prescribing or administering controlled  
14 substances in the course of treatment of a person for intractable pain.

15 (3) A physician shall not be subject to criminal prosecution for  
16 prescribing or administering controlled substances in the course of  
17 treatment of a person for intractable pain.

18 (4) This section does not authorize a physician to prescribe or  
19 administer controlled substances to those persons being treated by the  
20 physician for chemical dependency because of their use of drugs or  
21 controlled substances.

22 (5) This section does not authorize a physician to prescribe or  
23 administer controlled substances to a person the physician knows to be  
24 using drugs or substances for nontherapeutic purposes.

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

30 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of the  
32 state government and its existing public institutions, and takes effect  
33 immediately.

34 NEW SECTION. **Sec. 6.** If any provision of this act or its  
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3       NEW SECTION.   **Sec. 7.** Sections 1 through 6 of this act constitute  
4 a new chapter in Title 69 RCW.

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