
SENATE BILL 5050

State of Washington

56th Legislature

1999 Regular Session

By Senators Prentice, Kline and Deccio

Read first time 01/11/1999. Referred to Committee on Health & Long-Term Care.

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

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

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

7 NEW SECTION. **Sec. 2.** In this chapter, the term "intractable pain"
8 means pain a person feels despite reasonable efforts to eliminate or
9 alleviate the source of the pain. The source may be known or not
10 known. Reasonable efforts include, but are not limited to, evaluation
11 by an attending licensed physician and at least one licensed physician
12 who specializes in the part of the body perceived as the source of
13 pain.

14 NEW SECTION. **Sec. 3.** Health professionals licensed in this state
15 to prescribe controlled substances may treat intractable pain with
16 controlled substances included in Schedules II through V as identified
17 in this title. This section does not authorize treatment of conditions

1 other than intractable pain with controlled substances included in
2 Schedules II through V.

3 NEW SECTION. **Sec. 4.** The licensing entity for health
4 professionals licensed in this state to prescribe controlled substances
5 shall not take action against the health professional's license, if the
6 health professional follows the accepted standard of care for treatment
7 of intractable pain with controlled substances and the licensed health
8 professional obtains informed consent.

9 Standard of care and informed consent are further described in
10 chapter 7.70 RCW.

11 NEW SECTION. **Sec. 5.** The department of health shall develop
12 guidelines for treatment of intractable pain and informed consent.

13 NEW SECTION. **Sec. 6.** Prescription of controlled substances
14 included in Schedules II through V for intractable pain by a health
15 professional licensed in this state to prescribe controlled substances
16 is not a criminal offense.

17 NEW SECTION. **Sec. 7.** Licensed health professionals who do not
18 have authority to prescribe, but do have authority to administer,
19 order, or otherwise perform tasks inherent to the patient taking the
20 prescription, are authorized to administer, order, or perform their
21 tasks in cases where controlled substances included in Schedules II
22 through V are prescribed for intractable pain. Licensing actions and
23 criminal sanctions cannot be pursued because controlled substances
24 included in Schedules II through V are used for intractable pain.

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

29 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 immediately.

1 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute
2 a new chapter in Title 69 RCW.

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