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RULES

DEPARTMENT OF HEALTH AND HOSPITALS

BOARD OF MEDICAL EXAMINERS

DISPENSATION OF MEDICATIONS ([LAC 46:XLV.6503](#), 6505, 6506, AND 6515)

Editor's Note: This Rule was printed in error on page 1626 of the August 20, 2008 Louisiana Register. The correct effective and promulgation date for this Rule is September 20, 2008.

In accordance with the Louisiana Administrative Procedure Act, [R.S. 49:950](#) et seq., the Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by the Louisiana Medical Practice Act, [R.S. 37:1261-1292](#) and [R.S. 37:1201](#), has amended its rules governing dispensation of medications, Title 46:XLV, Subpart 3, Chapter 65, § 6503, § 6505, § 6506, and § 6515. The amendments are set forth below.

TITLE 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 3. Practice

Chapter 65. Dispensation of Medications

Subchapter A. General Provisions

§ 6503. Definitions

A. As used in this Chapter, the following terms and phrases shall have the meanings specified.

Drugs of Concern--carisoprodol, dezocine, nalbuphine and tramadol and such other non-controlled substances, as defined by rule, which demonstrate a potential for abuse.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 37:1261-1292](#), [R.S. 37:1201](#).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:570 (October 1987), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:1193 (June 2004), LR 34:1626 (August 2008), repromulgated LR 34:1905 (September 2008).

Subchapter B. Prohibitions, Sanctions and Exceptions

§ 6505. Prohibitions

A. - D. ...

E. Except as provided in § 6506 of this Subchapter, a registrant shall not dispense any controlled substance or drug of concern.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 37:1261-1292](#) and [R.S. 37:1201](#).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:571 (October 1987), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1626 (August 2008), re-promulgated LR 34:1905 (September 2008).

§ 6506. Exceptions

A. Notwithstanding § 6505.E of this Subchapter, a registrant may dispense up to a single 48 hour supply of a single controlled substance or drug of concern to a patient.

B. The prohibition contained in § 6505.E of this Subchapter shall not apply to a registrant:

1. practicing in a facility maintained or operated by the state of Louisiana or a governmental entity of this state;

2. practicing in a clinic maintained or operated by the United States or by any of its departments, offices or agencies;

3. practicing in a substance abuse or addiction treatment facility licensed by the Louisiana Department of Health and Hospitals; or

4. engaged in clinical research or investigational studies regulated by the U.S. Food and Drug Administration, in compliance with all applicable state and federal laws, rules and regulations.

C. Upon written application by a physician to the board made in accordance with this Subsection the board may, with respect to an identified individual patient:

1. authorize a physician to depart from the dispensing limitation prescribed by § 6506.A of this Subchapter. Such application shall contain:

a. a statement by the physician of the specific manner in which the physician proposes to deviate from the provisions of this Subchapter respecting the dispensing limitation on controlled substances and drugs of concern, together with a statement by the physician of the medical facts and circumstances deemed by the

physician to justify such departure; and

b. such other information and documentation as the board may request;

2. the board may deny, grant, or grant in part any application for exception in an individual case made under this Section. The board's action on any such application shall be stated in writing and shall specify the manner and extent to which the physician shall be authorized to depart from the provisions of § 6506.A of this Subchapter and the period of time during which such authorized exception shall be effective. A physician who makes application to the board under this Section shall not deviate from the prohibitions, conditions, and limitations provided in § 6506.A of this Subchapter except following receipt of written authorization from the board or other than pursuant to the specifications and limitations of such authorization.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 37:1261-1292](#) and [R.S. 37:1201](#).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1626 (August 2008), repromulgated LR 34:1905 (September 2008).

Subchapter C. Registration

§ 6515. Registration Procedure

A. ...

B. Application forms and instructions pertaining thereto may be obtained upon written request directed to the office of the board.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 37:1261-1292](#) and [R.S. 37:1201](#).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:571 (October 1987), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1626 (August 2008), repromulgated LR 34:1906 (September 2008).

Robert L. Marier, M.D.
Executive Director

LR 34:1905 (September 2008)
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