

S 1560

Nursing Home Resident Pain Relief Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Sep 14, 2011

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Sep 14, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/1560>

Sponsor

Name: Sen. Kohl, Herb [D-WI]

Party: Democratic • **State:** WI • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Sep 14, 2011

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Nursing Home Resident Pain Relief Act of 2011 - Amends the Controlled Substances Act to authorize a medical practitioner to enter into an agreement with the administrator of an institutional long-term care facility (facility) authorizing the administrator to designate qualified individuals to act as facility designees for the purpose of dispensing a controlled substance to facility residents.

Authorizes an administrator to delegate the authority to act as a facility designee to a qualified health care professional who is directly employed by, and subject to the supervision and control of, the facility.

Requires an administrator to: (1) maintain a list of all practitioners who have entered into such an authorizing agreement and all facility designees of each practitioner, and (2) provide the list to all pharmacies to which the facility submits prescriptions and to each such practitioner.

Authorizes a practitioner who is providing or supervising medical care to a facility resident to issue an oral prescription for the resident for a controlled substance that is a prescription drug. Allows the oral prescription to be communicated through a facility designee acting under an authorizing agreement. Requires the facility designee to promptly create a document that reduces such an oral prescription to writing and to transmit the written document to a pharmacy for dispensing.

Allows: (1) an oral prescription for a schedule II controlled substance to be issued through or transmitted by a facility designee during an emergency situation only, limited to an amount adequate to treat the patient during that situation; and (2) a schedule II controlled substance to be dispensed for treatment of a facility resident in a non-emergency situation if the prescription is in writing and signed by the practitioner.

Requires each practitioner who issues such an oral prescription to a facility designee to: (1) create a contemporaneous record of the prescription, and (2) maintain the record in a written or electronic log at the registered location of the practitioner. Directs the Attorney General to specify the contents and retention requirements for such record.

Requires: (1) a pharmacy, not later than 72 hours after dispensing a controlled substance pursuant to such an oral prescription, to transmit a copy of the prescription document received from the facility designee, clearly marked as having been dispensed, to the prescribing practitioner; and (2) the practitioner to certify the prescription's accuracy by physically affixing his or her signature to it and to return it to the pharmacy within 5 business days. Sets forth actions that the pharmacy must take if it does not receive an endorsed prescription within that period, including notifying the Drug Enforcement Administration (DEA).

Requires each facility to: (1) maintain a written or electronic logbook of each instance in which a facility designee memorializes and transmits an oral prescription for a controlled substance to a pharmacy on behalf of a practitioner; (2) keep the logbook and copies of specified associated documents on its premises; and (3) retain copies of specified documents for five years. Requires every registrant who prescribes a controlled substance for a facility resident to maintain the prescribing log.

Applies civil and criminal penalties for the distribution or dispensing of a controlled substance in violation of such Act to distribution or dispensing by such a facility. Sets forth penalties for violations of recordkeeping requirements.

Actions Timeline

- **Sep 14, 2011:** Introduced in Senate
- **Sep 14, 2011:** Sponsor introductory remarks on measure. (CR S5627-5628)
- **Sep 14, 2011:** Read twice and referred to the Committee on the Judiciary.