
HOUSE BILL 2168

State of Washington 56th Legislature 1999 Regular Session

By Representatives Wood, Edmonds, Anderson and Ogden

Read first time 02/17/1999. Referred to Committee on Health Care.

1 AN ACT Relating to chronic pain management; and adding a new
2 chapter to Title 69 RCW.

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

4 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. There are widespread
5 concerns among patients throughout the state about access to
6 appropriate medical treatment, including opioid therapy, for addressing
7 acute, chronic, or intractable pain. Similarly, physicians and other
8 health professionals express apprehensions about challenges by state
9 disciplinary authorities when prescribing opioid analgesics for
10 indicated medical treatment when serving the legitimate medical needs
11 of pain patients. The under-treatment of chronic pain, due to concerns
12 about addiction and drug diversion, affect the public health, safety,
13 and welfare. There is a need for professional guidelines and legal
14 clarity to encourage appropriate treatment for pain management and to
15 reduce fear of injudicious discipline, while protecting the public from
16 inappropriate prescribing practices and illicit drug diversion.

17 NEW SECTION. **Sec. 2.** PAIN GUIDELINES. (1) The secretary of
18 health shall coordinate and assist the regulatory boards and

1 commissions of the health professions with prescriptive authority in
2 the development of uniform guidelines for the management of acute,
3 chronic, and intractable pain with controlled substances. These
4 regulatory boards and commissions shall recognize and provide for the
5 implementation of the pain guidelines by rule. These guidelines may be
6 revised as necessary in response to changes in medical science and
7 technology.

8 (2) It is not the intent of these guidelines necessarily to define
9 the complete standards of acceptable medical care in the treatment of
10 pain patients, nor to direct clinical practice parameters.

11 NEW SECTION. **Sec. 3.** PROFESSIONAL DISCIPLINE. (1) Under
12 generally accepted standards of medical practice, opioids may be
13 prescribed for the treatment of acute, chronic, or intractable pain,
14 including pain associated with cancer and noncancer pain conditions
15 when there is an indicated medical need.

16 (2) The regulatory boards and commissions of the health professions
17 with prescriptive authority may not pursue a disciplinary action
18 against a licensed health professional under the uniform disciplinary
19 act, chapter 18.130 RCW, upon a determination that the health
20 professional followed accepted standards of care for the treatment of
21 pain with controlled substances, and provided treatment within the
22 parameters of the pain guidelines adopted under section 2 of this act.

23 (3) No health professional following accepted standards of care for
24 the treatment of pain with controlled substances, and providing
25 treatment within the parameters of the pain guidelines, may be subject
26 to criminal liability.

27 NEW SECTION. **Sec. 4.** STATE INDUSTRIAL INSURANCE PROGRAM. The
28 department of labor and industries shall develop and implement
29 guidelines for the treatment of acute, chronic, and intractable pain
30 for injured workers for the purposes of the industrial insurance laws.
31 The guidelines shall be developed in consultation with the department
32 of health, in accord with accepted standards of care for the treatment
33 of pain with controlled substances, and in harmony with the pain
34 guidelines adopted under section 2 of this act. The department is
35 authorized to adopt rules in furtherance of this section.

1 NEW SECTION. **Sec. 5.** CAPTIONS NOT LAW. Captions used in this
2 chapter are not any part of the law.

3 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute
4 a new chapter in Title 69 RCW.

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