
SUBSTITUTE SENATE BILL 5050

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Prentice, Kline and Deccio)

Read first time 02/19/1999.

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.** The definitions in this section apply
8 throughout this chapter unless the context clearly requires otherwise.

9 (1) "Intractable pain" means pain a person feels despite reasonable
10 efforts to eliminate or alleviate the source of the pain. The source
11 may be known or not known.

12 (2) "Reasonable efforts" means efforts to find the source of pain
13 and include appropriate referrals by the attending physician.

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

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

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

10 Standard of care and informed consent are further described in
11 chapter 7.70 RCW. Under RCW 18.130.340 the secretary of health shall
12 coordinate and assist the regulatory boards and commissions of the
13 health professions with prescriptive authority in the development of
14 uniform guidelines for addressing treatment of intractable pain with
15 controlled substances included in Schedules II through V. The
16 guidelines may be revised as necessary.

17 NEW SECTION. **Sec. 5.** The department of health is authorized to
18 adopt rules to implement this chapter.

19 NEW SECTION. **Sec. 6.** Prescription of controlled substances
20 included in Schedules II through V for intractable pain by a health
21 professional authorized in this state to prescribe controlled
22 substances is not a criminal offense.

23 NEW SECTION. **Sec. 7.** The department of labor and industries shall
24 develop guidelines for treatment of intractable pain and informed
25 consent that are consistent with the department of health's guidelines.
26 The department of labor and industries is authorized to make rules to
27 implement this act.

28 NEW SECTION. **Sec. 8.** Licensed health professionals who do not
29 have authority to prescribe, but do have authority to administer or
30 otherwise perform tasks inherent to the patient taking the
31 prescription, are authorized to administer or perform their tasks in
32 cases where controlled substances included in Schedules II through V
33 are prescribed for intractable pain. Licensing actions and criminal
34 sanctions cannot be pursued because controlled substances included in

1 Schedules II through V are used for intractable pain, as long as the
2 health professional follows the accepted standard of care and obtains
3 informed consent for treatment of intractable pain.

4 NEW SECTION. **Sec. 9.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 immediately.

12 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act
13 constitute a new chapter in Title 69 RCW.

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