

## HOUSE BILL No. 2224

By Committee on Health and Human Services

1-28

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9 AN ACT concerning health care; relating to a pain patient's bill of rights.

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11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. This act shall be known and may be cited as "the pain  
13 patient's bill of rights."

14 Sec. 2. (a) A patient who suffers from severe acute pain or chronic  
15 pain may:

16 (1) Request or reject the use of any or all modalities to relieve pain;

17 (2) choose from appropriate pharmacologic treatment options to re-  
18 lieve severe acute pain or severe chronic pain, including opiate medica-  
19 tions, without first having to submit to an invasive medical procedure such  
20 as surgery, destruction of a nerve or other body tissue by manipulation  
21 or the implantation of a drug delivery system or device;

22 (3) be informed by the patient's physician of physicians who are qual-  
23 ified to treat severe acute pain and severe chronic pain employing meth-  
24 ods that include the use of opiates when the patient's physician refuses  
25 to prescribe opiate medication treatment for such pain; and

26 (4) request and receive an identifying notice of a prescription from  
27 the patient's physician for purposes of emergency treatment or law en-  
28 forcement identification.

29 (b) A physician who uses opiate therapy to relieve severe acute pain  
30 or chronic pain may prescribe a dosage deemed medically necessary to  
31 relieve the pain.

32 Sec. 3. Nothing in this act shall be construed to:

33 (a) Expand the authorized scope of practice of any licensed physician;

34 (b) limit any reporting or disciplinary provisions applicable to licensed  
35 physicians and surgeons who violate prescribing practices; and

36 (c) prohibit the discipline or prosecution of a licensed physician for:  
37 (1) Failing to maintain complete, accurate and current records that  
38 document the physical examination and medical history of a patient, the  
39 basis for the clinical diagnosis of a patient and the treatment of the  
40 patient;

41 (2) writing false or fictitious prescriptions for federal or state con-  
42 trolled substances;

43 (3) prescribing, administering or dispensing pharmaceuticals in vio-

1 lation of the provisions of the federal comprehensive drug abuse preven-  
2 tion and control act of 1970 (21 U.S.C. 801 et seq.);  
3 (4) diverting medications prescribed for a patient to the licensed phy-  
4 sician's own personal use; and  
5 (5) causing or assisting in causing the suicide, euthanasia or mercy  
6 killing of any individual, provided that it is not "causing or assisting in  
7 causing the suicide, euthanasia or mercy killing of any individual" to pre-  
8 scribe medical treatment for the purpose of treating severe acute pain or  
9 severe chronic pain, even if the medical treatment may increase the risk  
10 of death, so long as the medical treatment is not also furnished for the  
11 purpose of causing or assisting in causing death for any reason.  
12 Sec. 4. This act shall take effect and be in force from and after its  
13 publication in the statute book.