

OREGON PAIN TREATMENT ACT

ORS § 677.470-677.480

677.470. Definitions for ORS 677.470 to 677.480.

As used in ORS 677.470 to 677.480:

- (1) "Controlled substance" has the meaning given that term under ORS 475.005.
- (2) "Health care professional" means a person licensed by a health professional regulatory board who is practicing within the scope of practice of that licensure and who is authorized to prescribe or administer controlled substances.
- (3) "Health professional regulatory board" has the meaning given that term in ORS 676.440.

677.474. Administration of controlled substances for pain allowed; exceptions.

- (1) Notwithstanding any other provision of this chapter and notwithstanding ORS 678.010 to 678.410 and ORS chapters 679 and 689, a health care professional may prescribe or administer controlled substances to a person in the course of treating that person for a diagnosed condition causing pain.
- (2) A health care professional shall not be subject to disciplinary action by a health professional regulatory board for prescribing or administering controlled substances in the course of treatment of a person for pain with the goal of controlling the patient's pain for the duration of the pain.
- (3) Subsections (1) and (2) of this section do not apply to:
 - (a) A health care professional's treatment of a person for chemical dependency resulting from the use of controlled substances;
 - (b) The prescription or administration of controlled substances to a person the health care professional knows to be using the controlled substances for nontherapeutic purposes;
 - (c) The prescription or administration of controlled substances for the purpose of terminating the life of a person having pain, except as allowed under ORS 127.800 to 127.897; or
 - (d) The prescription or administration of a substance that is not a controlled substance approved by the United States Food and Drug Administration for pain relief.
- (4) Subsection (2) of this section does not exempt the governing body of any hospital or other medical facility from the requirements of ORS 441.055.

677.480. Discipline.

ORS 677.474 does not prohibit a health professional regulatory board from placing on probation or denying, revoking, limiting or suspending the license of any health care professional who does any of the following:

- (1) Prescribes or administers a controlled substance or treatment that is nontherapeutic in nature or nontherapeutic as administered or prescribed or that is administered or prescribed for a nontherapeutic purpose.
- (2) Fails to keep a complete and accurate record of controlled substance purchases, dispensing and disposal as required by the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513), other federal law or ORS 475.005 to 475.285 and 475.840 to 475.980.
- (3) Prescribes controlled substances without a legitimate medical purpose.
- (4) Prescribes, administers or dispenses controlled substances in a manner detrimental to the best interest of the public.
- (5) Prescribes, administers or dispenses a controlled substance in a manner prohibited under ORS 475.005 to 475.285 or 475.840 to 475.980.
- (6) Falsifies prescription information, including, but not limited to, the identity of the recipient.