

Louisiana Revised Statutes of 1950

Title 40 – Public Health and Safety

Chapter 5-D – Health Provisions: Health Care

Subchapter A – Healthcare Consumers

Part I. Advance Directives and Life-Sustaining Procedures

Subpart D. Prescription Nonopioid Directive

§1156.1. Voluntary nonopioid directive; form; immunity

- A. The Louisiana Department of Health, in consultation with the office of behavioral health, shall establish a voluntary nonopioid directive form and shall publish the form prominently on the department's website for public use.
- B. A patient may execute and file a voluntary nonopioid directive form with a prescribing practitioner when the patient does not wish to be issued a prescription or medication order for an opioid. Upon receipt of a voluntary nonopioid directive form, a prescribing practitioner shall date and affix his signature to the form in the presence of the patient as evidence of acceptance, document the receipt in the patient's medical record, and provide a signed copy of the form to the patient.
- C. The voluntary nonopioid directive form established by the department shall allow a patient or when the patient is unable to consent for himself, any person duly authorized and empowered to provide medical consent for the patient under the provisions of R.S. 40:1151.4, to revoke the directive, orally or in writing, for any reason, at any time.
- D. An electronically transmitted prescription to a pharmacy shall be presumed to be valid for the purposes of this Section, and a pharmacist shall not be held in violation of this Section for dispensing a controlled substance in contradiction to a voluntary nonopioid form.
- E. No prescribing practitioner who has signed and executed a nonopioid directive form with a patient acting with reasonable care shall be liable for damages in a civil action or subject to criminal prosecution or be deemed to have violated the standard of care for such prescribing practitioner for refusing to issue a prescription or medication order for an opioid pursuant to a voluntary nonopioid directive form.
- F. No person acting in good faith as a duly authorized guardian or healthcare representative pursuant to Subsection C of this Section shall be liable for damages in a civil action or subject to criminal prosecution for revoking or overriding a voluntary nonopioid directive form.
- G. No prescribing practitioner shall be liable for damages in a civil action, subject to criminal prosecution, or deemed to have violated the standard of care for a prescribing practitioner's profession for issuing a prescription for or administering a controlled substance containing an opioid to a patient when the patient and the prescribing practitioner have not executed and filed a voluntary nonopioid directive form under the provisions of this Section.
- H. A prescribing practitioner who willfully fails to comply with a patient's voluntary nonopioid directive form may be subject to disciplinary action pursuant to rules promulgated by its health profession licensing board.

(Section added by Act 28 of 2018 Legislature, effective August 1, 2018)