

Final Rule

LSA Document #15-378(F)

DIGEST

Adds [828 IAC 1-1-25](#) to establish requirements for the prescribing of opioid controlled substances for pain management. Effective 30 days after filing with the Publisher.

[828 IAC 1-1-25](#)

SECTION 1. [828 IAC 1-1-25](#) IS ADDED TO READ AS FOLLOWS:

[828 IAC 1-1-25](#) Opioid prescribing requirements

Authority: [IC 25-14-1-13](#); [IC 25-22.5-13-3](#)

Affected: [IC 16-21](#); [IC 16-25](#); [IC 16-28](#); [IC 25-1-9](#); [IC 25-14](#); [IC 25-22.5-13-3](#)

Sec. 1. (a) This section establishes standards and protocols for dentists in the prescribing of opioid controlled substances for pain management treatment. It is adopted under the direction of [IC 25-22.5-13-3](#) to adopt rules necessary to complement the rules applicable to physicians adopted by the medical licensing board of Indiana in [844 IAC 5-6](#).

(b) [844 IAC 5-6](#) is incorporated by reference into this section.

(c) This section establishes requirements concerning the use of opioids for chronic pain management for patients. However, this section shall not apply to the use of opioids for chronic pain management for the following:

(1) Patients with a terminal condition.

(2) Residents of a health facility licensed under [IC 16-28](#).

(3) Patients enrolled in a hospice program licensed under [IC 16-25](#).

(4) Patients enrolled in an inpatient or outpatient palliative care program of a hospital licensed under [IC 16-21](#) or a hospice licensed under [IC 16-25](#).

However, a period of time that a patient who was, but is no longer, a resident or patient as described in subdivisions (2) through (4) shall be included in the calculations under subsection (d).

(d) The requirements in this section only apply if a patient has been prescribed:

(1) more than sixty (60) opioid-containing pills a month for more than three (3) consecutive months;

(2) a morphine equivalent dose of more than fifteen (15) milligrams per day for more than three (3) consecutive months;

(3) a transdermal opioid patch for more than three (3) consecutive months;

(4) tramadol, but only if the patient's tramadol dose reaches a morphine equivalent dose of more than sixty (60) milligrams per day for more than three (3) consecutive months; or

(5) a hydrocodone-only extended release medication that is not in an abuse deterrent form.

Subdivisions (1) and (2) do not apply to the controlled substances addressed by subdivisions (3) through (5).

(e) The board anticipates that dentists, perhaps with rare exception, do not prescribe opioids at the levels stated in subsection (d). A dentist may prescribe at those levels only in the rare instance that it is clinically indicated, consistent with current professional theory or practice, and the dentist is qualified by training or experience to undertake prescribing at those levels.

(f) If a dentist prescribes at the levels stated in subsection (d), the dentist shall follow the requirements stated in [844 IAC 5-6](#). To the extent any actions required by [844 IAC 5-6-4\(a\)](#) would be beyond the scope of the practice of dentistry, the dentist shall utilize input from a health care professional in whose scope it is whether by a referral or based on that health care professional's existing relationship with the patient.

**(g) As applied to this section, any reference in [844 IAC 5-6](#) to a physician shall be deemed a reference to a dentist.**

*(State Board of Dentistry; [828 IAC 1-1-25](#); filed Aug 22, 2016, 11:34 a.m.: [20160921-IR-828150378FRA](#))*

*LSA Document #15-378(F)*

*Notice of Intent: [20151111-IR-828150378NIA](#)*

*Proposed Rule: [20160518-IR-828150378PRA](#)*

*Hearing Held: June 10, 2016*

*Approved by Attorney General: August 3, 2016*

*Approved by Governor: August 10, 2016*

*Filed with Publisher: August 22, 2016, 11:34 a.m.*

*Documents Incorporated by Reference: None Received by Publisher*

*Small Business Regulatory Coordinator: Cindy A. Vaught, Board Director, State Board of Dentistry, Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Room W072, Indianapolis, IN 46204, (317) 234-2003, [cvaught@pla.in.gov](mailto:cvaught@pla.in.gov)*

*Posted: 09/21/2016 by Legislative Services Agency*

*An [html](#) version of this document.*