

**677.470 Definitions for ORS 677.470 to 677.485.** As used in ORS 677.470 to 677.485:

(1) “Controlled substance” has the meaning given that term under ORS 475.005.

(2) “Intractable pain” means a pain state in which the cause of the pain cannot be removed or otherwise treated and for which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain has been found after reasonable efforts, including, but not limited to, evaluation by the attending physician. [1995 c.380 §2; 1999 c.480 §1]

**677.474 Administration of controlled substances for intractable pain allowed; exceptions.** (1) Notwithstanding any other provision of this chapter, a physician licensed under this chapter may prescribe or administer controlled substances to a person in the course of the physician’s treatment of that person for a diagnosed condition causing intractable pain.

(2) A physician shall not be subject to disciplinary action by the Board of Medical Examiners for prescribing or administering controlled substances in the course of treatment of a person for intractable 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 physician’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 physician 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 intractable 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. [1995 c.380 §7 (enacted in lieu of 677.475); 1999 c.480 §2; 2003 c.408 §1]

**677.475** [1995 c.380 §3 (677.474 enacted in lieu of 677.475 by 1995 c.380 §6); repealed by 2005 c.44 §1]

**677.480 Discipline.** ORS 677.474 does not prohibit the Board of Medical Examiners from placing on probation or denying, revoking, limiting or suspending the license of any physician 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. [1995 c.380 §4; 2003 c.408 §2]

**677.485 Written notice required.** Prior to commencing the treatment of intractable pain as allowed under ORS 677.474, the physician shall provide to the person and the person shall sign a written notice, provided and approved by the board, disclosing the material risks associated with the prescribed or administered controlled substances to be used in the course of the physician's treatment of that person. [1995 c.380 §5; 2003 c.408 §3]