



Opioid prescribing and potential liability will impact providers in Ohio and across the nation in 2018

January 19, 2018

Over the last year, Ohio has enacted and implemented numerous prescribing restrictions on opioid drugs for the management of acute pain in response to the nationwide opioid crisis and the proliferation of prescription opiates. Notably, these new laws contain exceptions for cancer treatment, palliative care, end-of-life/hospice care and medication-assisted treatment for addiction.

For acute pain management using prescription opioids, Ohio has limited both the duration of a prescription and the dosage. For example, prescriptions can last for no more than seven days for adults and five days for minors, with some exceptions. In addition, prescribers are required to keep detailed records on all opioid prescriptions, and they must meet specific documentation requirements in order to prescribe outside of these limits. Starting December 29, 2017, opioid prescriptions must include an ICD-10 diagnosis code and the prescriber's DEA number. Similar restrictions for non-opioid analgesic prescriptions will begin in June 2018.

In addition to navigating these new prescriber and pharmacy rules applicable to opioid medications, health care facilities may be exposed to new liability claims related to opioid prescribing on behalf of both their prescribers and their pharmacies. Surprisingly, even the criminal conduct of those individuals seeking to obtain opioids does not shield prescribers and pharmacies from lawsuits. Instead, negligence lawsuits are being asserted, alleging deviations from the standard of care, and violations of state prescribing laws can be used to demonstrate such deviations.

Individual providers and pharmacists, as well as the health care facilities that employ them or contract with them, need to

carefully monitor compliance with all stages of opioid prescribing and dispensing. This is necessary to ensure compliance with state and federal drug prescribing laws and also to protect against legal liability.

Authors



Bobbie S. Sprader

Partner

Columbus

614.227.2315

bsprader@bricker.com

Copyright © 2023 Bricker & Eckler LLP. All rights reserved.