

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# HOUSE BILL 2200

AN ACT

AMENDING TITLE 23, CHAPTER 6, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-1062.02; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 23, chapter 6, article 9, Arizona Revised Statutes,  
3 is amended by adding section 23-1062.02, to read:  
4 23-1062.02. Off-label prescription of controlled substances;  
5 prescription of schedule II controlled  
6 substances; reports; treatment plans; definition  
7 A. UPON WRITTEN REQUEST OF AN INTERESTED PARTY AS DEFINED IN SECTION  
8 23-901, A PHYSICIAN SHALL INCLUDE IN THE REPORT REQUIRED UNDER COMMISSION  
9 RULE, INFORMATION PERTAINING TO THE OFF-LABEL USE OF A NARCOTIC, OPIUM BASED  
10 CONTROLLED SUBSTANCE OR SCHEDULE II CONTROLLED SUBSTANCE BY A CLAIMANT, WHICH  
11 MAY INCLUDE THE JUSTIFICATION FOR USE OF THE CONTROLLED SUBSTANCE, AND A  
12 TREATMENT PLAN THAT INCLUDES A DESCRIPTION OF MEASURES THAT THE PHYSICIAN  
13 WILL IMPLEMENT TO MONITOR AND PREVENT THE DEVELOPMENT OF ABUSE, DEPENDENCE,  
14 ADDICTION OR DIVERSION BY THE EMPLOYEE. THE INTERESTED PARTY MAY ALSO  
15 REQUEST THAT THE TREATMENT PLAN INCLUDE A MEDICATION CONTRACT, A PLAN FOR  
16 SUBSEQUENT FOLLOW-UP VISITS AND DRUG TESTING, AND DOCUMENTATION THAT THE  
17 MEDICATION REGIME IS PROVIDING RELIEF THAT IS DEMONSTRATED BY IMPROVED  
18 FUNCTION.  
19 B. IF THE PHYSICIAN DOES NOT COMPLY WITH THIS SECTION, THE INTERESTED  
20 PARTY IS NOT RESPONSIBLE FOR PAYMENT FOR THE PHYSICIAN'S SERVICES UNTIL THE  
21 PHYSICIAN COMPLIES WITH SUBSECTION A OF THIS SECTION.  
22 C. FOR THE PURPOSES OF THIS SECTION, "OFF-LABEL USE" MEANS USE OF A  
23 PRESCRIPTION MEDICATION BY A PHYSICIAN TO TREAT A CONDITION OTHER THAN THE  
24 USE FOR WHICH THE DRUG WAS APPROVED BY THE UNITED STATES FOOD AND DRUG  
25 ADMINISTRATION.