



## Prescribing Opioids to Minors

**Updated 2/22/2019**

Effective September 17, 2014, [HB 314](#) requires all prescribers (physicians, PAs, APRNs, optometrists, dentists and podiatrists) to obtain explicit informed consent, in the absence of a medical emergency or other specified circumstances (see below), prior to issuing a minor an initial prescription for any drug classified as an opioid.

The informed consent requirement has three components: assessing the minor's mental health and substance abuse history; discussing with the minor and the minor's parent, guardian, or another authorized adult certain risks and dangers associated with taking controlled substances containing opioids; and obtaining the signature of the parent, guardian, or authorized adult on a consent form. Additionally, the new law limits to not more than a 72-hour supply the quantity of a controlled substance containing an opioid that a prescriber may prescribe to a minor when another adult authorized by the minor's parent or guardian gives the required consent.

To assist prescribers with this requirement, the State Medical Board of Ohio has developed a "Start Talking" Consent Form, which can be accessed here: <http://www.med.ohio.gov/DNN/PDF-Folders/Center-Panel/Start-Talking-Model-Consent-Form.pdf>

*(Please note: This specific consent form is not required by law. A prescriber or health care facility can develop their own form as long as it contains the three required components listed in the previous paragraph).*

***Please note: HB 314 requires written documentation of informed consent when prescribing opioids to a minor. A signed "Start Talking" consent form must be maintained in the minor's medical record and the form must be separate from any other document the prescriber uses to obtain informed consent for other treatment provided to the minor.***

### **Exemptions**

The law specifies that the informed consent requirement does not apply when any of the following is the case:

- (1) The minor's treatment is associated with or incident to a medical emergency;
- (2) The minor's treatment is associated with or incident to surgery, regardless of whether the surgery is performed on an inpatient or outpatient basis;
- (3) In the prescriber's professional judgment, fulfilling the bill's informed consent requirement would be a detriment to the minor's health or safety;



(4) The minor's treatment is rendered in a hospital, emergency facility<sup>1</sup>, ambulatory surgical facility, nursing home, pediatric respite care program, residential care facility, freestanding rehabilitation facility, or similar institutional facility. This exemption does not apply, however, when the treatment is rendered in a prescriber's office that is located on the premises of or adjacent to any of the foregoing facilities or locations; OR

(5) The prescription is for a compound that is a controlled substance containing an opioid that a prescriber issues to a minor at the time of discharge from a facility or other location described in (4), above.

## **Definitions**

**"Another adult authorized to consent to the minor's medical treatment"** means an adult to whom a minor's parent or guardian has given written authorization to consent to the minor's medical treatment.

A **"medical emergency"** is a situation that in the prescriber's good faith medical judgment creates an immediate threat of serious risk to the life or physical health of a minor.

A **"minor"** is a person under 18 years of age who is not emancipated. (For purposes of the law's informed consent requirement only, the law specifies that a person under 18 years of age is to be considered emancipated only if the person has married, entered the armed services of the United States, became employed and self-sustaining, or has otherwise become independent from the care and control of the person's parent, guardian, or custodian.)

**"Hospital"** is defined as an institution for the care and treatment of the sick and injured that is certified by the department of health and approved by the state board of pharmacy as proper to be entrusted with the custody of controlled substances and the professional use of controlled substances.

## **What is the role of the pharmacist in enforcing this new law?**

Pharmacists have a corresponding responsibility to ensure that a prescription issued by a prescriber is compliant with all state and federal laws. If the minor meets any of the exemptions listed in this document, then the pharmacist can safely assume, using professional judgment, that no informed consent by the prescriber is required. **Note: The pharmacist must ultimately decide what is in the best interest of the patient and the lack of informed consent does not preclude a pharmacist from dispensing an opioid prescription to a minor.**

## **What is an Opioid?**

Effective March 20, 2015, section 3719.01 of the Ohio Revised Code defines an "opioid analgesic" as a controlled substance that has analgesic pharmacologic activity at the opioid receptors of the central nervous system, including the following drugs and their varying salt forms or chemical congeners:

<b>Generic Name</b>	<b>Brand Name</b>	<b>Schedule</b>
<b>Buprenorphine</b>	BUTRANS, BUPRENEX	Schedule III
<b>Butorphanol</b>	BUTORPHANOL NS	Schedule IV

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<sup>1</sup> "Emergency facility" means a hospital emergency department or any other facility that provides emergency care.

<b>Codeine (acetaminophen and other combination products)</b>	TYLENOL W. CODEINE #3, TYLENOL W. CODEINE #4	Schedule III
<b>Dihydrocodeine/ASA/caffeine</b>	SYNALGOS-DC	Schedule III
<b>Fentanyl</b>	DURAGESIC, ACTIQ, ABSTRAL, LAZANDA, FENTORA, SUBSYS, SUBLIMAZE, ONSOLIS, IONSYS	Schedule II
<b>Hydrocodone</b>	ZOXYDOL ER	Schedule II
<b>Hydrocodone (acetaminophen combination products)</b>	XODOL, MAXIDONE, ZYDONE, LORCET, HYCET, ZAMICET, CO- GESIC, ZOLVIT, STAGESIC, LIQUICET, LORTAB, VICODIN, NORCO	Schedule II
<b>Hydrocodone (ibuprofen combination products)</b>	IBUDONE, REPRESAIN, VICOPROFEN	Schedule II
<b>Hydromorphone</b>	DILAUDID, EXALGO	Schedule II
<b>Meperidine</b>	DEMEROL	Schedule II
<b>Methadone</b>	DOLOPHINE, METHADOSE	Schedule II
<b>Morphine Sulfate</b>	MS CONTIN, AVINZA, DURAMORPH, KADIAN, DEPODUR, ASTRAMORPH, IMFUMORPH	Schedule II
<b>Oxycodone</b>	OXECTA, ROXICODONE, OXYCONTIN	Schedule II
<b>Oxycodone (acetaminophen, aspirin and other combination products)</b>	PERCODAN, PERCOCET, ROXICET, ENDOCET, XOLOX, TYLOX, PRIMLEV, MAGNACET, XARTEMIS XR	Schedule II
<b>Oxymorphone</b>	OPANA, NUMORPHAN	Schedule II
<b>Tapentadol</b>	NUCYNTA	Schedule II
<b>Tramadol</b>	ULTRAM, ULTRACET, RYZOLT, CONZIP, RYBIX	Schedule IV