

2019 Regular Session
Senate Resolution 255
Senator Regina Ashford Barrow

Pediatric Medical Marijuana Requirements

Office of Public Health

March 2020



Introduction

Senate Resolution 255 of the 2019 Regular Session requests that the Louisiana Department of Health (LDH), the Louisiana State Board of Medical Examiners (LSBME), and the Louisiana Board of Pharmacy (LBP) conduct a study and make recommendations relative to certain provisions of Louisiana law on medical marijuana. The resolution asks for specific recommendations regarding the following:

- 1.) Requirement for subspecialty consultation for pediatric patients with any debilitating medical condition (DMC), not just autism spectrum disorder (ASD), prior to recommending medical marijuana;
- 2.) Requirement for specific state licensure for a facility in which, on any day of the clinic operation, fifty-one percent or more of the patients seen are issued a medical marijuana recommendation; and
- 3.) Any other patient protections that may be necessary due to the mood-altering nature of medical marijuana and as a result of this being a cash-based industry.

The LDH, LSBME, and LBP issue its findings and recommendations below.

Subspecialty Consultation Requirements

Before recommending therapeutic marijuana (TM) to a patient under eighteen years of age for treatment of the approved conditions associated with ASD, state law currently requires a physician to consult with a pediatric subspecialist (La. Rev. Stat 40:1046(2)(xvi)). It is the LSBME's recommendation that the standard of care for these children will most likely be achieved by consultation with specialties of child neurology, child and adolescent psychiatry, and developmental pediatrics. While consultation need not necessarily be affirmative, the rationale for recommending TM in the absence of such affirmation should be disclosed and thoroughly reviewed with the child and family, and should be clearly documented in the patient's medical record.

State law does not currently require consultation prior to using TM for the treatment of children under the age of 18 for any DMC other than ASD. However, due to the absence of evidence that TM is either safe or effective for children with these conditions, LSBME strongly encourages consultation and care continuity with a pediatric specialist or subspecialist appropriate for the particular disorder being treated. As such, TM recommendations for children should be confined to the treatment of DNCs that fall within the scope of the physician's specialty and routine practice. Such patients should be closely monitored for therapeutic benefit and adverse effects, as well as the need for potential medication adjustment of discontinuation.

Facility Licensure Requirements

The ability to conduct routine regulatory investigations would exceed the capabilities of the current LDH resources. Since the primary review would center on the medical practice, this falls outside the scope of the LDH. As a licensing entity, the LDH could set forth minimal requirements regarding hiring and maintaining trained and qualified staff, ensuring that the licensed entity establishes and set

forth minimal standards for the operation of a clinic, and establishing criteria for establishing and maintaining licensure and the enforcement actions for failure to maintain such. The practice of prescribing medication and all aspects of the management of that are relative to physician practice. However, in order for the LSBME to arrive unannounced at a problem clinic or licensee's office they would have to have an amendment to the Medical Practice Act. In addition, the Louisiana Board of Pharmacy does not credential clinics/practitioner practice sites. The Board does issue the practitioner recommending the marijuana a state controlled substance license but only if he/she holds (1) a valid medical license and (2) a 'Therapeutic Marijuana' designation from the Medical Board. Any desired change would require legislative change to the Board's practice act.

Other Patient Protections

In accordance with Act 207 of the Regular Session of the Louisiana Legislature, the LSBME has created a committee comprised of members representing Louisiana State Health and Science Center - New Orleans, Louisiana State Health and Science Center – Shreveport, Xavier University of Louisiana College of Pharmacy, Tulane University School of Medicine, Pennington Biomedical Research Center, and the College of Nursing and Allied Health at Southern University. This committee is specifically tasked with development of a program for collecting and analyzing data regarding adverse events arising from the use of TM and patient outcome data.

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