**20:62:03:11.  Prescribing.** A nurse practitioner or nurse midwife may request, receive, and provide prepackaged drug samples which the nurse practitioner or nurse midwife is authorized to prescribe. A drug sample means a prepackaged unit of a prescription drug supplied by the manufacturer and provided at no charge to the patient. A nurse practitioner or nurse midwife may provide prepackaged, labeled drug samples to the nurse practitioner's or nurse midwife's patients for conditions being treated by the nurse practitioner or nurse midwife. Each sample drug shall be accompanied by written administration instructions.

Prior to prescribing any controlled substances listed in SDCL chapter 34-20B, a nurse practitioner or nurse midwife, that meets state and federal controlled substance registration requirements, shall register with the state's prescription drug monitoring program (PDMP) and meet requirements in SDCL chapter 34-20E. The standards for documentation of patient care when prescribing controlled substance drugs for the treatment of chronic, non-cancer pain include:

(1)  Documentation of results of physical examinations, diagnostic or laboratory tests;

(2)  Documentation of a patient's medical and psychosocial history;

(3)  Documentation that appropriate state PDMPs were accessed;

(4)  Documentation of a patient's treatment agreement, if used;

(5)  Documentation of having provided instructions to the patient, or patient's representative, of the benefits and risks of controlled substances, proper use and storage of drugs, and proper disposal of unused drugs;

(6)  When prescribing opioid drugs, documentation of instructions including the risk of addiction, overdose, and death, and use of naloxone products to reverse overdose, as defined in SDCL chapter 34-20A;

(7)  Progress or lack of progress of pain management and functional improvement; and

(8)  Consultation with other health care providers or specialists.

**Source:** 45 SDR 9, effective July 30, 2018.

**General Authority:** SDCL 36-9A-41.

**Law Implemented:** SDCL 34-20A, 34-20B, 34-20E, 36-9A-12, 36-9A-13, 36-9A-29(5)(9).