



ACT 286 becomes effective August 1, 2020, at which time any physician in good standing and licensed by the LSBME may recommend medical marijuana for “any condition . . . that a physician, in his medical opinion, considers debilitating to an individual patient and is qualified through his medical education and training to treat.” The law gives physicians broad latitude to determine what they consider to be “debilitating” for a particular patient, thus physicians may recommend medical marijuana for a patient suffering from any condition for which the physician believes their patient may experience relief. There will no longer be a requirement to obtain an additional permit from the LSBME in order to make such recommendation. However, prior to making a recommendation you shall review the patient’s information in the database of the prescription monitoring program.

ACT 286 is permissive rather than mandatory. *It in no way mandates that a physician recommend medical marijuana to his patients.* Many physicians may not believe there is scientific evidence to show a medicinal benefit from the use of medical marijuana and may choose not to recommend such to their patients.

ACT 147 provides limited liability to any physician who provides information relative to marijuana for therapeutic use within a bona fide doctor-patient relationship or who issues a recommendation to a patient for marijuana for therapeutic use. Such physicians shall be exempt from state prosecutions for certain violations of the Uniform Controlled Dangerous Substances Law. However, *states cannot prevent federal prosecutions* of their citizens relative to medical marijuana. On a federal level, all marijuana remains illegal.

In order to further protect yourself and your practice, the LSMS strongly recommends the following steps be pursued:

- 1 FORMALIZE YOUR POLICY**
It is imperative that you adopt a policy related to your position in advance of patients presenting and requesting a recommendation for medical marijuana. Whether you plan to recommend it for some, all, or no conditions, or to some, all or no patients, it will protect you and your practice if you have a formal policy in place which guides your recommendations as well as a strategy for articulating your position to your patients.
- 2 CONSISTENCY COUNTS**
Whether or not to recommend medical marijuana is a physician-specific and patient-specific decision. However, consistent application and enforcement of your policies will limit your exposure to liability risks related to unfair treatment claims. If you determine certain conditions or certain patients would benefit from medical marijuana, you should be as consistent as possible relative to the recommendation.
- 3 DOCUMENT, DOCUMENT, DOCUMENT**
It always helps to document any discussion you have had with a patient relative to the recommendation of medical marijuana. In the event there is ever a claim made against you or your practice the best evidence to protect yourself will be your real time notes of the discussion and reason for your decision whether or not to recommend medical marijuana to your patient.

PRINT & PASS IT ON

We encourage you to use this as a tool and share it with your colleagues, on behalf of the Louisiana State Medical Society. The LSMS is a trusted ally of the medical profession, providing advocacy and communication for its members to continue to provide unprecedented care. For more information about the LSMS or to learn how to become a member, scan the QR code and follow the prompts.

