

BILL ANALYSIS

C.S.H.B. 1803
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

To practice medicine in Texas, a physician must possess a current license issued by the Texas Medical Board and be registered with the Texas Department of Public Safety under the Texas Controlled Substances Act for prescription purposes. However, the fact that current law requires the license and registration to be renewed at different intervals and with different state agencies reportedly has created confusion among physicians and resulted in some physicians regularly forgetting to renew a license or registration. In an effort to address this issue and other concerns raised by public participants in a recent legislative committee policy-making project, C.S.H.B. 1803 provides for a more uniform renewal process with the same licensing entity for a physician renewing a license to practice medicine and a registration under the Texas Controlled Substances Act.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the public safety director of the Department of Public Safety in SECTION 4 of this bill and to the Texas Medical Board in SECTION 5 of this bill.

ANALYSIS

C.S.H.B. 1803 amends the Health and Safety Code to prohibit the public safety director of the Department of Public Safety (DPS) from requiring separate registration under the Texas Controlled Substances Act for a licensed physician for each principal place of business or professional practice where the physician manufactures, distributes, analyzes, dispenses, or possesses a controlled substance. The bill includes a temporary provision, set to expire January 1, 2016, to require the public safety director to continue to send renewal notices to registrants under the Texas Controlled Substances Act who are physicians. The bill specifies that the controlled substances registration of a licensed physician is valid for a period of not less than two years and expires on the same date the physician's registration permit issued by the Texas Medical Board expires. The bill includes a temporary provision, set to expire January 1, 2017, to specify that a controlled substances registration in effect on January 1, 2014, does not expire before the date on which the physician's registration permit issued by the board expires.

C.S.H.B. 1803 authorizes the public safety director to charge a physician registered under the Texas Controlled Substances Act a nonrefundable registration fee of not more than \$50 and a late fee for each application submitted after the expiration of the grace period allowed for renewing a physician's registration permit. The bill authorizes a physician to request the renewal of the physician's controlled substances registration by remitting the information required for a registration application and the registration fee to the Texas Medical Board and requires the board to allow a physician to submit the information and pay the fee electronically. The bill requires a physician requesting renewal of a controlled substances registration to meet all statutory eligibility requirements for registration application. The bill requires the public safety director to adopt any rules necessary to administer the bill's provisions and to coordinate with the board in adopting rules necessary under the bill's provisions to prevent any conflicts between

rules adopted by the agencies and to ensure that administrative burden to physicians is minimized.

C.S.H.B. 1803 amends the Occupations Code to require the Texas Medical Board to accept the renewal application and fee submitted by a physician for a controlled substances registration and to adopt by rule a procedure for submitting a registration renewal application and remitting the registration fee to DPS. The bill requires the board to coordinate a physician's controlled substance registration renewal with the physician registration requirements so that the times of registration, payment, and notice, and any applicable grace periods for renewal, are the same and provide a minimum of administrative burden to the board and to physicians. The bill requires the board to send to each physician at the physician's last known address according to the board's records a physician's registration permit renewal application notice at least 60 days before the date on which that registration permit expires, rather than at least 30 days before the permit's expiration, and to send within that same time period a renewal notice for the physician's controlled substances registration with DPS. The bill specifies that an unexpired controlled substances registration held by a physician on the bill's effective date expires on the date on which the registration permit issued to the physician by the board expires.

EFFECTIVE DATE

January 1, 2014.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1803 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 481.061(c), Health and Safety Code, is amended.

SECTION 2. Section 481.063(g), Health and Safety Code, is amended.

SECTION 3. Section 481.064(a), Health and Safety Code, is amended to read as follows:

(a) The director may charge a nonrefundable fee of not more than \$25 before processing an application for annual registration and may charge a late fee of not more than \$50 for each application for renewal the department receives after the date the registration expires. The director by rule shall set the amounts of the fees at the amounts that are necessary to cover the cost of administering and enforcing this

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Same as introduced version.

SECTION 3. Section 481.064, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as otherwise provided by Section 481.0645 for a physician licensed under Subtitle B, Title 3, Occupations Code, the [The] director may charge a nonrefundable fee of not more than \$25 before processing an application for annual registration and may charge a late fee of not more than \$50 for each application for renewal the department receives after the date the registration expires. The director by rule shall set the amounts of the fees at the amounts that are necessary to cover the cost of administering and enforcing this

subchapter. Except as provided by Subsection (b) or Section 156.004, Occupations Code, registrants shall pay the fees to the director. Not later than 60 days before the date the registration expires, the director shall send a renewal notice to the registrant at the last known address of the registrant according to department records, unless the registrant is a physician to whom notice of expiration is provided under Section 156.004, Occupations Code.

SECTION 4. Subchapter C, Chapter 481, Health and Safety Code, is amended by adding Section 481.0645 to read as follows: Sec. 481.0645. REGISTRATION, RENEWAL, AND FEES FOR PHYSICIANS. (a) The registration under this chapter of a physician licensed under Subtitle B, Title 3, Occupations Code, is valid for a period of not more than two years and expires on the same date the physician's registration permit issued by the Texas Medical Board under Chapter 156, Occupations Code, expires.

(b) A physician may renew the physician's registration under this chapter by remitting to the Texas Medical Board, along with the physician's registration permit renewal and fee under Chapter 156, Occupations Code: (1) the required application for renewal described by Section 481.063; and (2) the fee specified in Section 481.064(a).

subchapter. Except as provided by Subsection (b) or Section 156.004, Occupations Code, registrants shall pay the fees to the director. Not later than 60 days before the date the registration expires, the director shall send a renewal notice to the registrant at the last known address of the registrant according to department records, unless the registrant is a physician to whom notice of expiration is provided under Section 156.004, Occupations Code.

(a-1) Notwithstanding Subsection (a), the director shall continue to send renewal notices to registrants who are physicians. This subsection expires January 1, 2016.

SECTION 4. Subchapter C, Chapter 481, Health and Safety Code, is amended by adding Section 481.0645 to read as follows: Sec. 481.0645. REGISTRATION, RENEWAL, AND FEES FOR PHYSICIANS. (a) The registration under this chapter of a physician licensed under Subtitle B, Title 3, Occupations Code, is valid for a period of not less than two years and expires on the same date the physician's registration permit issued by the Texas Medical Board under Chapter 156, Occupations Code, expires.

(a-1) A registration of a physician licensed under Subtitle B, Title 3, Occupations Code, that is in effect on January 1, 2014, does not expire before the date on which the physician's registration permit issued by the Texas Medical Board under Chapter 156, Occupations Code, expires. This subsection expires January 1, 2017.

(b) The director may charge a physician registered under this section a nonrefundable registration fee of not more than \$50 and a late fee for each application submitted after the expiration of the grace period described by Section 156.004(b), Occupations Code.

(c) A physician may request the renewal of the physician's registration under this chapter by remitting the information required under Section 481.063 and the fee required under Subsection (b) to the Texas Medical Board.

The Texas Medical Board must allow a physician to submit the information and pay the fee electronically.

(c) The director shall adopt any rules necessary to administer this section.

(d) To the extent of any conflict between this section and any other law, this section controls.

SECTION 5. Subchapter A, Chapter 156, Occupations Code, is amended by adding Section 156.0035 to read as follows:

Sec. 156.0035. RENEWAL OF CONTROLLED SUBSTANCE REGISTRATION. (a) The board shall accept the renewal application and fee submitted by a physician under Section 481.0645, Health and Safety Code, for a registration under Subchapter C, Chapter 481, Health and Safety Code.

(b) The board by rule shall adopt a procedure for submitting a registration renewal application and remitting the registration fee to the Department of Public Safety.

SECTION 6. Section 156.004, Occupations Code, is amended to read as follows:

Sec. 156.004. NOTICE OF EXPIRATION. (a) At least 30 days before the date on which a physician's registration permit expires, the [The] board shall send [a registration permit renewal application notice] to each physician at the physician's last known address according to the board's records;

(1) a [at least 30 days before the expiration date of the] registration permit renewal application notice; and

(2) a renewal notice for the physician's registration with the Department of Public

(d) A physician requesting renewal under this section must meet all eligibility requirements under Section 481.063(e).

(e) The director shall adopt any rules necessary to administer this section. The director shall coordinate with the Texas Medical Board in the adoption of rules necessary under this section to prevent any conflicts between rules adopted by the agencies and to ensure that administrative burden to physicians is minimized.

SECTION 5. Subchapter A, Chapter 156, Occupations Code, is amended by adding Section 156.0035 to read as follows:

Sec. 156.0035. RENEWAL OF CONTROLLED SUBSTANCE REGISTRATION. (a) The board shall accept the renewal application and fee submitted by a physician under Section 481.0645, Health and Safety Code, for a registration under Subchapter C, Chapter 481, Health and Safety Code.

(b) The board by rule shall adopt a procedure for submitting a registration renewal application and remitting the registration fee to the Department of Public Safety.

(c) The board shall coordinate a physician's controlled substance registration renewal with the registration required under this chapter so that the times of registration, payment, and notice, and any applicable grace periods for renewal, are the same and provide a minimum of administrative burden to the board and to physicians.

SECTION 6. Section 156.004, Occupations Code, is amended to read as follows:

Sec. 156.004. NOTICE OF EXPIRATION. (a) At least 60 days before the date on which a physician's registration permit expires, the [The] board shall send [a registration permit renewal application notice] to each physician at the physician's last known address according to the board's records;

(1) a[at least 30 days before the expiration date of the] registration permit renewal application notice; and

(2) a renewal notice for the physician's registration with the Department of Public

Safety under Subchapter C, Chapter 481, Health and Safety Code.

(b) The board shall provide for a 30-day grace period for renewing the registration permit from the date of the expiration of the permit.

SECTION 7. (a) The changes in law made to Subchapter C, Chapter 481, Health and Safety Code, as amended by this Act, apply only to a registration under that subchapter that expires on or after the effective date of this Act.

(b) The changes in law made to Chapter 156, Occupations Code, as amended by this Act, apply only to a registration permit under that chapter that expires on or after the effective date of this Act.

(c) An unexpired registration under Subchapter C, Chapter 481, Health and Safety Code, held by a physician on the effective date of this Act expires on the date on which the registration permit issued to the physician under Chapter 156, Occupations Code, expires.

SECTION 8. This Act takes effect January 1, 2014.

Safety under Subchapter C, Chapter 481, Health and Safety Code.

(b) The board shall provide for a 30-day grace period for renewing the registration permit from the date of the expiration of the permit.

SECTION 7. Substantially the same as introduced version.

SECTION 8. Same as introduced version.