

BILL ANALYSIS

S.B. 1646
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent legislation took a strong stance against prescription drug abuse and the individuals who enable and profit from that abuse, allowing tighter oversight of pain management clinics by the Texas Medical Board and giving criminal prosecutors the tools they needed to stop this epidemic from gaining any more ground. S.B. 1646 seeks to further these efforts by updating and clarifying certain provisions relating to the regulation of pain management services.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Nursing in SECTION 5 of this bill.

ANALYSIS

S.B. 1646 amends the Occupations Code to clarify that a physician or appropriately licensed advanced practice nurse who owns or operates a clinic to treat patients within the physician's or nurse's area of specialty must personally use other forms of treatment with the issuance of a prescription for a majority of the patients for the clinic to be exempt from statutory provisions regulating pain management clinics and to specify that such treatment provided by an advanced practice nurse must comply with rules adopted by the Texas Board of Nursing.

S.B. 1646 prohibits the Texas Medical Board, if an applicant for a pain management clinic certificate is under investigation by the board for a violation of the Medical Practice Act, board rules, or any other law relating to the prescription, dispensation, administration, supply, or sale of a controlled substance, from making a decision on the application until the board has reached a final decision on the matter under investigation.

S.B. 1646 establishes that a person who owns or operates a pain management clinic is engaged in the practice of medicine. The bill clarifies that a violation of a statutory provision or rule regulating pain management clinics, in addition to other disciplinary action against a pain certified pain management clinic or an owner or operator of a certified clinic, is grounds for a temporary suspension or restriction of a license to practice medicine.

S.B. 1646 requires the Texas Board of Nursing to adopt rules regarding the provision of pain management services by advanced practice nurses.

EFFECTIVE DATE

September 1, 2013.