

By: Callegari

H.B. No. 1803

Substitute the following for H.B. No. 1803:

By: Flynn

C.S.H.B. No. 1803

A BILL TO BE ENTITLED

AN ACT

relating to the renewal of a controlled substance registration by physicians; changing the payment schedule for a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 481.061(c), Health and Safety Code, is amended to read as follows:

(c) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, analyzes, dispenses, or possesses a controlled substance~~[. However]~~, except that the director may not require separate registration for:

(1) a physician licensed under Subtitle B, Title 3, Occupations Code; or

(2) a practitioner engaged in research with a nonnarcotic controlled substance listed in Schedules II through V if the registrant is already registered under this subchapter in another capacity.

SECTION 2. Section 481.063(g), Health and Safety Code, is amended to read as follows:

(g) Except as otherwise provided by Section 481.0645 for a physician licensed under Subtitle B, Title 3, Occupations Code, a [A] registration is valid until the first anniversary of the date of issuance and may be renewed annually under rules adopted by the director, unless a rule provides for a longer period of validity or

1 renewal.

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

5 (a) Except as otherwise provided by Section 481.0645 for a  
6 physician licensed under Subtitle B, Title 3, Occupations Code, the  
7 ~~[The]~~ director may charge a nonrefundable fee of not more than \$25  
8 before processing an application for annual registration and may  
9 charge a late fee of not more than \$50 for each application for  
10 renewal the department receives after the date the registration  
11 expires. The director by rule shall set the amounts of the fees at  
12 the amounts that are necessary to cover the cost of administering  
13 and enforcing this subchapter. Except as provided by Subsection  
14 (b) or Section 156.004, Occupations Code, registrants shall pay the  
15 fees to the director. Not later than 60 days before the date the  
16 registration expires, the director shall send a renewal notice to  
17 the registrant at the last known address of the registrant  
18 according to department records, unless the registrant is a  
19 physician to whom notice of expiration is provided under Section  
20 156.004, Occupations Code.

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

24 SECTION 4. Subchapter C, Chapter 481, Health and Safety  
25 Code, is amended by adding Section 481.0645 to read as follows:

26 Sec. 481.0645. REGISTRATION, RENEWAL, AND FEES FOR  
27 PHYSICIANS. (a) The registration under this chapter of a physician

1 licensed under Subtitle B, Title 3, Occupations Code, is valid for a  
2 period of not less than two years and expires on the same date the  
3 physician's registration permit issued by the Texas Medical Board  
4 under Chapter 156, Occupations Code, expires.

5 (a-1) A registration of a physician licensed under Subtitle  
6 B, Title 3, Occupations Code, that is in effect on January 1, 2014,  
7 does not expire before the date on which the physician's  
8 registration permit issued by the Texas Medical Board under Chapter  
9 156, Occupations Code, expires. This subsection expires January 1,  
10 2017.

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

16 (c) A physician may request the renewal of the physician's  
17 registration under this chapter by remitting the information  
18 required under Section 481.063 and the fee required under  
19 Subsection (b) to the Texas Medical Board. The Texas Medical Board  
20 must allow a physician to submit the information and pay the fee  
21 electronically.

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

24 (e) The director shall adopt any rules necessary to  
25 administer this section. The director shall coordinate with the  
26 Texas Medical Board in the adoption of rules necessary under this  
27 section to prevent any conflicts between rules adopted by the

1 agencies and to ensure that administrative burden to physicians is  
2 minimized.

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

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

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

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

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

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

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

1           (2) a renewal notice for the physician's registration  
2 with the Department of Public Safety under Subchapter C, Chapter  
3 481, Health and Safety Code.

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

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

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

14           (c) An unexpired registration under Subchapter C, Chapter  
15 481, Health and Safety Code, held by a physician on the effective  
16 date of this Act expires on the date on which the registration  
17 permit issued to the physician under Chapter 156, Occupations Code,  
18 expires.

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