

By: Williams  
(King of Taylor)

S.B. No. 1646

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of pain management services.

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

SECTION 1. Section 168.002, Occupations Code, is amended to read as follows:

Sec. 168.002. EXEMPTIONS. This chapter does not apply to:

(1) a medical or dental school or an outpatient clinic associated with a medical or dental school;

(2) a hospital, including any outpatient facility or clinic of a hospital;

(3) a hospice established under 40 T.A.C. Section 97.403 or defined by 42 C.F.R. Section 418.3;

(4) a facility maintained or operated by this state;

(5) a clinic maintained or operated by the United States;

(6) a health organization certified by the board under Section 162.001;

(7) a clinic owned or operated by a physician who treats patients within the physician's area of specialty and who personally uses other forms of treatment, including surgery, with the issuance of a prescription for a majority of the patients; or

(8) a clinic owned or operated by an advanced practice nurse licensed in this state who treats patients in the nurse's area of specialty and who personally uses other forms of treatment with

1 the issuance of a prescription for a majority of the patients in  
2 compliance with rules adopted by the Texas Board of Nursing.

3 SECTION 2. Section 168.102, Occupations Code, is amended by  
4 adding Subsection (d) to read as follows:

5 (d) If an applicant for a certificate under this chapter is  
6 under investigation by the board for a violation of this subtitle,  
7 board rules, or other law relating to the prescription,  
8 dispensation, administration, supply, or sale of a controlled  
9 substance, the board may not make a decision on the application  
10 until the board has reached a final decision on the matter under  
11 investigation.

12 SECTION 3. Section 168.201, Occupations Code, is amended by  
13 adding Subsection (d) to read as follows:

14 (d) A person who owns or operates a pain management clinic  
15 is engaged in the practice of medicine.

16 SECTION 4. Subsection (a), Section 168.202, Occupations  
17 Code, is amended to read as follows:

18 (a) A violation of this chapter or a rule adopted under this  
19 chapter is grounds for disciplinary action, including a temporary  
20 suspension or restriction under Section 164.059, against a pain  
21 management clinic certified under this chapter or an owner or  
22 operator of a clinic certified under this chapter.

23 SECTION 5. Subchapter D, Chapter 301, Occupations Code, is  
24 amended by adding Section 301.1546 to read as follows:

25 Sec. 301.1546. RULES REGARDING PAIN MANAGEMENT. The board  
26 shall adopt rules regarding the provision of pain management  
27 services by advanced practice nurses.

1           SECTION 6. The changes in law made by this Act to Section  
2 168.002, Occupations Code, apply only to services provided by a  
3 physician or advanced practice nurse on or after the effective date  
4 of this Act. Services provided before the effective date of this  
5 Act are governed by the law in effect when the services were  
6 provided, and the former law is continued in effect for that  
7 purpose.

8           SECTION 7. Subsection (d), Section 168.102, Occupations  
9 Code, as added by this Act, applies only to an application for a  
10 certificate for a pain management clinic filed with the Texas  
11 Medical Board on or after the effective date of this Act. An  
12 application for a certificate for a pain management clinic filed  
13 before that date is governed by the law in effect on the date the  
14 application was filed, and that law is continued in effect for that  
15 purpose.

16           SECTION 8. This Act takes effect September 1, 2013.