

By: Williams

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 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 uses other forms of treatment with the issuance of

1 a prescription for a majority of the patients in compliance with
2 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. Subchapter D, Chapter 301, Occupations Code, is
17 amended by adding Section 301.1546 to read as follows:

18 Sec. 301.1546. RULES REGARDING PAIN MANAGEMENT. The board
19 may adopt rules regarding the provision of pain management services
20 by advanced practice nurses.

21 SECTION 5. Section 168.102(d), Occupations Code, as added
22 by this Act, applies only to an application for a certificate for a
23 pain management clinic filed with the Texas Medical Board on or
24 after the effective date of this Act. An application for a
25 certificate for a pain management clinic filed before that date is
26 governed by the law in effect on the date the application was filed,
27 and that law is continued in effect for that purpose.

1 SECTION 6. This Act takes effect September 1, 2013.