

1-1 By: Williams S.B. No. 1646
 1-2 (In the Senate - Filed March 8, 2013; March 20, 2013, read
 1-3 first time and referred to Committee on Health and Human Services;
 1-4 April 22, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 22, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1646 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of pain management services.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 168.002, Occupations Code, is amended to
 1-24 read as follows:
 1-25 Sec. 168.002. EXEMPTIONS. This chapter does not apply to:
 1-26 (1) a medical or dental school or an outpatient clinic
 1-27 associated with a medical or dental school;
 1-28 (2) a hospital, including any outpatient facility or
 1-29 clinic of a hospital;
 1-30 (3) a hospice established under 40 T.A.C. Section
 1-31 97.403 or defined by 42 C.F.R. Section 418.3;
 1-32 (4) a facility maintained or operated by this state;
 1-33 (5) a clinic maintained or operated by the United
 1-34 States;
 1-35 (6) a health organization certified by the board under
 1-36 Section 162.001;
 1-37 (7) a clinic owned or operated by a physician who
 1-38 treats patients within the physician's area of specialty and who
 1-39 personally uses other forms of treatment, including surgery, with
 1-40 the issuance of a prescription for a majority of the patients; or
 1-41 (8) a clinic owned or operated by an advanced practice
 1-42 nurse licensed in this state who treats patients in the nurse's area
 1-43 of specialty and who personally uses other forms of treatment with
 1-44 the issuance of a prescription for a majority of the patients in
 1-45 compliance with rules adopted by the Texas Board of Nursing.
 1-46 SECTION 2. Section 168.102, Occupations Code, is amended by
 1-47 adding Subsection (d) to read as follows:
 1-48 (d) If an applicant for a certificate under this chapter is
 1-49 under investigation by the board for a violation of this subtitle,
 1-50 board rules, or other law relating to the prescription,
 1-51 dispensation, administration, supply, or sale of a controlled
 1-52 substance, the board may not make a decision on the application
 1-53 until the board has reached a final decision on the matter under
 1-54 investigation.
 1-55 SECTION 3. Section 168.201, Occupations Code, is amended by
 1-56 adding Subsection (d) to read as follows:
 1-57 (d) A person who owns or operates a pain management clinic
 1-58 is engaged in the practice of medicine.
 1-59 SECTION 4. Subsection (a), Section 168.202, Occupations
 1-60 Code, is amended to read as follows:

2-1 (a) A violation of this chapter or a rule adopted under this
2-2 chapter is grounds for disciplinary action, including a temporary
2-3 suspension or restriction under Section 164.059, against a pain
2-4 management clinic certified under this chapter or an owner or
2-5 operator of a clinic certified under this chapter.

2-6 SECTION 5. Subchapter D, Chapter 301, Occupations Code, is
2-7 amended by adding Section 301.1546 to read as follows:

2-8 Sec. 301.1546. RULES REGARDING PAIN MANAGEMENT. The board
2-9 shall adopt rules regarding the provision of pain management
2-10 services by advanced practice nurses.

2-11 SECTION 6. The changes in law made by this Act to Section
2-12 168.002, Occupations Code, apply only to services provided by a
2-13 physician or advanced practice nurse on or after the effective date
2-14 of this Act. Services provided before the effective date of this
2-15 Act are governed by the law in effect when the services were
2-16 provided, and the former law is continued in effect for that
2-17 purpose.

2-18 SECTION 7. Subsection (d), Section 168.102, Occupations
2-19 Code, as added by this Act, applies only to an application for a
2-20 certificate for a pain management clinic filed with the Texas
2-21 Medical Board on or after the effective date of this Act. An
2-22 application for a certificate for a pain management clinic filed
2-23 before that date is governed by the law in effect on the date the
2-24 application was filed, and that law is continued in effect for that
2-25 purpose.

2-26 SECTION 8. This Act takes effect September 1, 2013.

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