

**House Bill 1803**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 renewal.

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

(a) Except as otherwise provided by Section 481.0645 for a physician licensed under Subtitle B, Title 3, Occupations Code, the [The] director may charge a nonrefundable fee of not more than \$25 before processing an application for annual

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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registration and may charge a late fee of not more than \$50 for each application for renewal the department receives after the date the registration expires. The director by rule shall set the amounts of the fees at the amounts that are necessary to cover the cost of administering and enforcing this subchapter. Except as provided by Subsection (b) or Section 156.004, Occupations Code, registrants shall pay the fees to the director. Not later than 60 days before the date the registration expires, the director shall send a renewal notice to the registrant at the last known address of the registrant according to department records, unless the registrant is a physician to whom notice of expiration is provided under Section 156.004, Occupations Code.

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

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

Sec. 481.0645. REGISTRATION, RENEWAL, AND FEES FOR PHYSICIANS. (a) The registration under this chapter of a physician licensed under Subtitle B, Title 3, Occupations Code, is valid for a period of not less than two years and expires on the same date the physician's registration permit issued by the Texas Medical Board under Chapter 156, Occupations Code, expires.

(a-1) A registration of a physician licensed under Subtitle B, Title 3, Occupations Code, that is in effect on January 1, 2014, does not expire before the date on which the physician's registration permit issued by the Texas Medical Board under

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

Sec. 481.0645. REGISTRATION, RENEWAL, AND FEES FOR PHYSICIANS. (a) The registration under this chapter of a physician licensed under Subtitle B, Title 3, Occupations Code, is valid for a period of not less than two years and expires on the same date the physician's registration permit issued by the Texas Medical Board under Chapter 156, Occupations Code, expires.

(a-1) Notwithstanding Subsection (a), a registration of a physician licensed under Subtitle B, Title 3, Occupations Code, that is in effect on January 1, 2014, expires on the date on which the physician's registration permit issued by the

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Chapter 156, Occupations Code, expires. This subsection expires January 1, 2017.

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

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

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

(e) The director shall adopt any rules necessary to administer this section. The director shall coordinate with the Texas Medical Board in the adoption of rules necessary under this section to prevent any conflicts between rules adopted by the agencies and to ensure that administrative burden to physicians is minimized.

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

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

(b) The board by rule shall adopt a procedure for submitting a

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Texas Medical Board under Chapter 156, Occupations Code, expires. This subsection expires January 1, 2017.

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

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

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

(e) The director shall adopt any rules necessary to administer this section. The director shall coordinate with the Texas Medical Board in the adoption of rules necessary under this section to prevent any conflicts between rules adopted by the agencies and to ensure that administrative burden to physicians is minimized.

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

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

(b) The board by rule shall adopt a procedure for submitting a

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registration renewal application and remitting the registration fee to the Department of Public Safety.

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

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

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

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

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

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

No equivalent provision.

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registration renewal application and remitting the registration fee to the Department of Public Safety.

(c) The board shall coordinate a physician's controlled substance registration renewal with the registration required under this chapter so that the times of registration, payment, and notice are the same and provide a minimum of administrative burden to the board and to physicians.

SECTION 6. Same as House version.

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

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

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- (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 the issuance of a prescription for a majority of the patients. [FA1]

No equivalent provision.

SECTION \_\_. Section 168.201, Occupations Code, is amended by adding Subsection (d) to read as follows:  
(d) A person who owns or operates a pain management clinic is engaged in the practice of medicine. [FA1]

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

SECTION 7. Same as House version.

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

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

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

SENATE VERSION (IE)

SECTION 8. Same as House version.

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