

By: Hinojosa, et al.
(Burkett, Thompson of Harris, Flynn, Raymond)

S.B. No. 315

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of subpoenas and the regulation of pain management clinics by the Texas Medical Board.

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

SECTION 1. The heading to Section 153.007, Occupations Code, is amended to read as follows:

Sec. 153.007. AUTHORITY TO ISSUE SUBPOENA OR ADMINISTER OATH; SUBPOENA ENFORCEMENT.

SECTION 2. Section 153.007, Occupations Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) If a person fails to comply with a subpoena issued under this section, the board, acting through the attorney general, may file suit to enforce the subpoena in a district court in Travis County or in a county in which a hearing conducted by the board may be held.

(f) On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena.

SECTION 3. Subchapter A, Chapter 168, Occupations Code, is amended by adding Section 168.003 to read as follows:

Sec. 168.003. LEGISLATIVE FINDING. The legislature finds that deaths resulting from the use of opioids and other controlled substances constitute a public health crisis and that there is a compelling state interest in the board closely regulating the

prescribing of opioids and other controlled substances by physicians and their delegates. Accordingly, the legislature finds that inspections and investigations conducted by the board, including the board's use of subpoenas for immediate production, inspection, and copying of medical and billing records, are necessary to adequately regulate the prescribing of opioids and other controlled substances in order to protect the public health and welfare.

SECTION 4. Section 168.052, Occupations Code, is amended to read as follows:

Sec. 168.052. INSPECTIONS. (a) The board may inspect a pain management clinic certified under this chapter, including the documents of a physician practicing at the clinic, as necessary to ensure compliance with this chapter.

(b) The board may inspect a clinic or facility that is not certified under this chapter to determine whether the clinic or facility is required to be certified under Section 168.101. The board by rule shall establish the grounds for conducting an inspection under this subsection, including grounds based on:

(1) the population of patients served by the clinic or facility;

(2) the volume or combination of drugs prescribed to patients served by the clinic or facility; and

(3) any other criteria the board considers sufficient to require an inspection of the clinic or facility.

SECTION 5. Section 168.201, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

1 (a-1) For the purposes of this section, inappropriate
2 prescribing includes nontherapeutic prescribing or other conduct
3 as specified by board rule.

4 SECTION 6. This Act takes effect September 1, 2017.