

Regular Session, 2014

SENATE BILL NO. 502

BY SENATOR HEITMEIER

HEALTH CARE. Provides for the licensure of pain management clinics. (gov sig)

AN ACT

To amend and reenact R.S. 40:2198.12 (D), relative to licensure of pain management clinics; to provide for the expiration of a licensure exemption; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2198.12(D) is hereby amended and reenacted to read as follows:

§2198.12. Licensure of pain management clinics; rules and regulations

* * *

D. (1) The following shall apply to pain management clinics operating on or before June 15, 2005, pursuant to an occupational license or certificate of operation which has not been suspended or revoked:

~~(1)~~(a) The pain management clinic shall not be owned, either in whole or in part, by or have any contractual relationship, whether through employment or by independent contract, with a physician who during the course of his practice has been denied the privilege of prescribing, dispensing, administering, supplying, or selling any controlled dangerous substance and who has, during the course of his practice had board action taken against his medical license as a result of dependency on drugs

1 or alcohol.

2 ~~(2)~~**(b)** The pain management clinic shall be operated by a medical director
3 who shall be a physician.

4 ~~(3)~~**(c)** The pain management clinic shall not be owned in whole or in part by
5 a person who has been convicted of or who has pled guilty or nolo contendere to an
6 offense that constitutes a felony.

7 ~~(4)~~**(d)** The pain management clinic shall not be owned in whole or in part by
8 a person who has been convicted of or who has pled guilty or nolo contendere to an
9 offense that constitutes a misdemeanor, the facts of which relate to the distribution
10 or illegal prescription of any narcotic.

11 ~~(5)~~**(e)** The pain management clinic shall operate as an urgent care facility,
12 offering primary or acute health services in addition to caring for those with chronic
13 pain and shall have held itself out to the public as such.

14 ~~(6)~~**(f)** The pain management clinic shall implement policies and procedures
15 that are consistent with all pain management regulations issued by the State Board
16 of Medical Examiners.

17 ~~(7)~~**(g)** A pain management clinic which is exempted from the requirement of
18 being owned and operated by a physician certified in the subspecialty of pain
19 management may relocate and continue to be exempted from the requirement of
20 being owned and operated by a physician certified in the subspecialty of pain
21 management if the new location is in the same parish in which the original clinic was
22 located.

23 ~~(8)~~**(h)** All pain management clinics shall submit to the department all relevant
24 documentation proving valid operation before June 15, 2005, including but not
25 limited to occupational licenses or certificates of operation issued by local
26 authorities.

27 **(2) A pain management clinic that is not licensed by or has not made an**
28 **application to the department for licensure under this Part on or before August**
29 **1, 2014, shall not be licensed under the exemption to Subsection A of this**

Section as provided for in this Subsection.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Heitmeier (SB 502)

Present law provides that certain pain management clinics operating on or before June 15, 2005, may be licensed by Department of Health and Hospitals if their license has not been suspended or revoked.

Present law provides the following qualifiers:

- (1) The pain management clinic shall not be owned, either in whole or in part, by or have any contractual relationship, whether through employment or by independent contract, with a physician who during the course of his practice has been denied the privilege of prescribing, dispensing, administering, supplying, or selling any controlled dangerous substance and who has, during the course of his practice had board action taken against his medical license as a result of dependency on drugs or alcohol.
- (2) The pain management clinic shall be operated by a medical director who shall be a physician.
- (3) The pain management clinic shall not be owned in whole or in part by a person who has been convicted of or who has pled guilty or nolo contendere to an offense that constitutes a felony.
- (4) The pain management clinic shall not be owned in whole or in part by a person who has been convicted of or who has pled guilty or nolo contendere to an offense that constitutes a misdemeanor, the facts of which relate to the distribution or illegal prescription of any narcotic.
- (5) The pain management clinic shall operate as an urgent care facility, offering primary or acute health services in addition to caring for those with chronic pain and shall have held itself out to the public as such.
- (6) The pain management clinic shall implement policies and procedures that are consistent with all pain management regulations issued by the State Board of Medical Examiners.
- (7) A pain management clinic which is exempted from the requirement of being owned and operated by a physician certified in the subspecialty of pain management may relocate and continue to be exempted from the requirement of being owned and

operated by a physician certified in the subspecialty of pain management if the new location is in the same parish in which the original clinic was located.

- (8) All pain management clinics shall submit to the department all relevant documentation proving valid operation before June 15, 2005, including but not limited to occupational licenses or certificates of operation issued by local authorities.

Proposed law amends the present law to provide the present law exemption for licensure shall not apply to a pain management clinic that is not licensed by or has not made an application to the Department of Health and Hospitals for licensure on or before August 1, 2014.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S.40:2198.12(D))