

**TEXAS LEGISLATIVE
UPDATE**


OCT 2009
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1

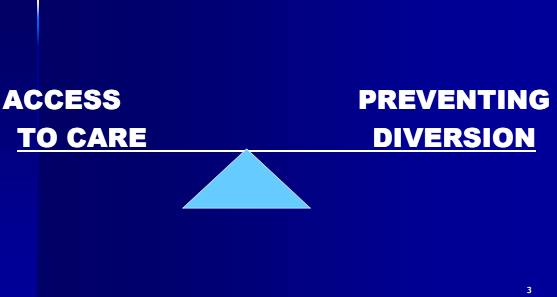
- Board Certified in Anesthesiology
- Fellow of Interventional Pain Practice.
- Diplomate of the American Boards of Pain Medicine, Interventional Pain Physicians, and Pain Management
- PhD in Electrical Engineering and Computer Science
- Registered Professional Engineer
- Senior Scientific Medical Engineering Consultant at Medtronic Neurological
- Director Emeritus on the Texas Pain Society Board of Directors
- Past President of the Texas Pain Society
- TMA Delegate and represents Pain Medicine² on the Interspecialty Society Committee

Texas Pain Society

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ACCESS TO CARE **PREVENTING DIVERSION**



3

GENERATION RX

- PUBLIC HEALTH CRISIS
- 7 MILLION USERS PER MONTH
- 80% PAIN KILLERS
- OVER DOSE IS GREATER THAN HEROIN + COCAINE + INHALENTS
- TV ADS: THERE IS A PILL FOR EVERYTHING
- INTERNET CANDY STORE


4

**“PILL MILLS”
DBA PAIN MANAGEMENT
CLINICS**

- DEA TASK FORCE
- DPS
- LOCAL & STATE POLICE
- TEXAS PAIN SOCIETY
- TEXAS MEDICAL ASSOCIATION
- AMERICAN CANCER SOCIETY

5

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**TEXAS PAIN SOCIETY JOINS IN THE
FIGHT AGAINST “PILL MILLS”**

The mission of the Texas Pain Society (TPS) is to be the organization of pain medicine practitioners that represents the interests of patients, the public, physicians, and others involved in the care of Texans who suffer from pain. The vision of the TPS is to improve the quality of life of patients in Texas who suffer from pain.

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A “Pill Mill” is a *sham* medical clinic with the sole purpose of selling/diverting medications and is distinctly different from a legitimate pain medicine clinic – which is a true medical practice with a valuable role in the community.

7

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• The TPS supported additional funding and staffing for the TMB to facilitate action to stop the abuse and diversion of medication in Texas. Senator Williams SB911 – WAS SIGNED INTO LAW

8

• Fully Implement TASPERS (Texas All Schedules Prescription Electronic Reporting) as was mandated in the 2007 legislative session. TPS recommends that the primary responsibility for TASPERS reside with the Texas Board of Pharmacy (TBP). The clinical integration of prescribing and dispensing controlled substances requires real time access to data for reasons of patient safety and clinical compliance. Representative Kolkhorst CSHB2730 – WAS SIGNED INTO LAW

9

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- **Make it a felony to “Doctor Shop” for the purpose of obtaining a prescription by fraud. This law has been implemented in many other states. Senator Williams SB1281 – DIED IN THE HOUSE**

10

Make carisoprodol (Soma) a C IV (Schedule 4). This legislation was modeled after other states. Senator Williams SB904 - WAS SIGNED INTO LAW

11

Allow issuance of multiple prescriptions for Schedule II controlled substances in accordance with the Federal Drug Enforcement Administration rules. Senator Williams SB904 – WAS SIGNED INTO LAW

12

**LOUISIANA TITLE 48
LICENSING & CERTIFICATION OF
PAIN MANAGEMENT CLINICS**

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.

13

LOUISIANA TITLE 48

- ANNUAL FEE < \$1000
- PERSONALLY EXAMINED
- ANNUAL INSPECTIONS
- WAITING AREA: 2 SEATS/EXAM ROOM
- EXAM ROOMS:80SQ FEET WITH 2'8' CLEARANCE
- ETC..

14

**SB 911
REGULATION OF PAIN
MANAGEMENT CLINICS**

- DEFINITION: In this chapter, "pain management clinic" means a publicly or privately owned facility for which a majority of patients are issued on a monthly basis a prescription for opioids, benzodiazapenes, barbituates, or carisoprodol, but not including suboxone.

15

SB 911

- **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;
5. A clinic maintained or operated by the United States

16

SB 911

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 treatments, including surgery, with the issuance of a prescription for a majority of the patients

17

PROPOSED AMENDMENTS 22 TAC, SEC 192.1-192.7

OFFICE BASED

- ANESTHESIA SERVICES &
- PAIN MANAGEMENT CLINICS

192.5(g) INSPECTIONS MAY BE CONDUCTED TO ENFORCE THESE RULES

18

**PROPOSED
AMENDMENTS 192.7(8)**

- (e) 10 PAIN MANAGEMENT CEUs /YEAR**
- (f) (1) ON-SITE 33%**
- (f) (2) REVIEW 33% OF FILES**
- (f) (4) QA PROCEDURES**

19

**PROPOSED
AMENDMENTS 192.7(8)**

- (g) PATIENT BILLING PROCEDURES**
- (1) AMOUNTS PAID, METHOD OF PAYMENT, DESCRIPTION OF SERVICES**
- (2) MAINTAINED FOR 7 YEARS**

20

**REGULATION OF PAIN
MANAGEMENT CLINICS
SB 911**

- (a) Not later than March 1, 2010, the Texas Medical Board shall adopt the rules.**
- (b) A pain management clinic must obtain a certificate not later than September 1, 2010**

21

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**ACCESS
TO CARE**

**PREVENTING
DIVERSION**

22
