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

DIGEST

Heitmeier (SB 619)

Present law provides for the regulation of pain management clinics by the Department of Health and Hospitals.

Proposed law transfers the regulation of pain management clinics from the department to the Louisiana State Board of Medical Examiners.

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.

Proposed law provides the causes for nonissuance, restriction, probation, suspension, revocation of a pain management clinic license and provides for adjudication, publication of action, judicial review, and a posting of a required security.

Proposed law provides injunctive relief powers to the Louisiana State Board of Medical Examiners.

Proposed law provides criminal penalties for any person owning or operating a pain management clinic without a license. Proposed penalties are a fine of not more than \$500 for each offense, or imprisonment for not more than five months, or both. Each day the pain management clinic operates without a license is a separate offense.

Effective January 1, 2015.

(Amends R.S. 40:2198.12(A), (B)(1)(intro para) and (B)(1)(f), (D), and 2198.13; adds R.S. 40:2198.12(B)(1)(h) through (j), and 2198.14 through 2198.19)