
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 (the board).

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 that nothing in the proposed law shall limit the authority of a health care provider, licensed by a licensing authority of this state, from engaging in the scope of practice conferred by such license under present law.

Proposed law provides nothing in proposed law shall authorize an individual, other than a physician licensed by the board, to own or operate a pain management clinic nor prohibit the board from conducting an investigation or taking action against the owner or operator of a pain management clinic suspected of operating without a license issued by the board, except as set forth in present law.

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.

Proposed law provides nothing in the proposed law is intended to limit the practice of health care providers who are licensed by the state of Louisiana and who are acting within their scope of practice under present law. Further, the board shall be specifically prohibited from promulgating any rule, adopting any policy, or issuing any advisory opinion that limits a licensed health care provider's scope of practice contrary to that authorized by the legislature or applicable licensing board regulating the licensed health care provider, if authorized by present law.

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 2198.20)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Clarifies the proposed law does not limit that the authority of a health care provider, licensed by a licensing authority of this state, from engaging in the scope of practice conferred by such license under present law.
2. Clarifies who may own or operate a pain management clinic.
3. Prohibits LSBME from limiting the scope of practice of health care providers licensed by another licensing board when such scope of practice is provided to such health provider by Louisiana law.
4. Makes technical amendments.