



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 1043

PRINTERS NO. 1477

PRIME SPONSOR: Baker

### COST / (SAVINGS)

FUND	FY 2016/17	FY 2017/18
General Fund	\$0	See Fiscal Impact

**SUMMARY:** House Bill 1043, Printer's Number 1477 amends the Health Care Facilities Act to add pain management clinics to the list of health care facilities licensed and regulated by the Department of Health (DOH). This legislation is effective in 60 days.

**ANALYSIS:** This legislation requires a facility which advertises itself as a pain service center and, in any calendar month, provides services for the treatment of pain to the majority of its patients, to register as a pain management clinic within 30 days of meeting the definition of a pain management clinic. Each pain management clinic location shall register separately and shall pay a registration and/or renewal fee as set by DOH.

When the facility registers, it is required to provide the following information:

- Name, business address, profession and current licensure status of each individual with an ownership interest
- Name, address and hours of operation of any other pain management clinic in which the individual has an ownership interest.
- Name and professional status of each employee at the pain management clinic
- Name, professional license number and practice address of the medical director of the pain management clinic.

The registration for a pain management clinic is good for one year. The registration may be denied or revoked if the pain management clinic is owned, in part, by a physician who had his/her DEA number revoked, who has been prohibited from providing a controlled substance or has been convicted, pleaded guilty or no contest to a violation of the Controlled Substances, Drug, Device and Cosmetic Act.

Only physicians with valid and active licenses may have an ownership interest in a pain management clinic. At least one owner must hold a valid subspecialty certification in pain management or pain medicine.

Each pain management clinic must have a dedicated medical director to oversee the clinic's compliance with registration and operational requirements. The medical director must be present in the pain management clinic at least 50% of the time patients are present and hold a valid subspecialty certification from a nationally recognized board.

A prescriber working in a pain management clinic must hold an appropriate license, registration or certification at the time the prescription is written. No prescriber, physician or other person working at a pain management clinic may dispense the controlled substance at the clinic. A physical examination must be performed on the same day as the prescriber prescribes the controlled substance to the patient. The prescriber must access the ABC-MAP prior to writing the prescription.

The clinic is required to submit quarterly reports documenting the number of new and repeat patients seen and treated in the pain management clinic with a controlled substance. The clinic must also provide monthly documentation that demonstrates the medical director was present for at least 50% of the time patients were present in the clinic. The reports shall be kept by the clinic for seven years.

The clinic shall operate in a fixed location and shall:

- Comply with state and local building codes and ordinances
- Have signage visible to the public which contains the clinic name, address and hours of operation
- Have a publically listed telephone number
- Have emergency lighting
- Have a reception and waiting room
- Have a restroom
- Have an administrative area
- Have private patient examination rooms
- Have treatment rooms, if treatment is being provided
- Display contact information for the clinic's medical director
- Have infection control policies

DOH is required to promulgate regulations to carry out the provisions of this act. The rules shall, at a minimum, include:

- The process for registration
- Qualification of registered and nonregistered personnel at the clinics and training requirements
- Provision and coordination of patient care
- Management and operation of the clinic
- Clinical, medical, patient and business records to be kept by the clinic
- Procedures for inspection by DOH
- Facility operations, physical operations, infection control requirements and health and safety requirements

- Identification of drugs to be used to treat chronic pain
- Any other criteria that identify a facility as a pain management clinic
- The standards and procures followed by an owner
- Data collection and reporting requirements
- Other standards or requirements as required by DOH

DOH is required to conduct at least one announced and one unannounced inspection of a clinic no less than annually, including a review of patient records to ensure that the clinic complies with the provisions of this act. An inspection fee as set by DOH shall be paid annually for each location required to be inspected.

A pain management clinic that violates this act may be subject to specific sanctions by DOH which, when appropriate, shall work with a clinic to rectify a violation of this act. A person who operates, owns or manages a non-registered pain clinic that is required to be registered with DOH under this act commits an offense. For the first offense, it is a misdemeanor of the first degree. For a second or subsequent offense, it is a felony of the third degree.

**FISCAL IMPACT:** There should be no adverse fiscal impact on Commonwealth funds related to this legislation as the Department of Health has the discretion to set the inspection, registration and renewal fees to cover the personnel and other costs associated with regulating pain management clinics.

**PREPARED BY:** Ann Bertolino  
House Appropriations Committee (R)

**DATE:** May 8, 2017

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*