

Chapter 478

S.B. No. 1235

AN ACT

relating to defining the duties and to the penalties concerning pain management clinics.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 168.001, Occupations Code, is amended to read as follows:

Sec. 168.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) [~~In this chapter,~~] "Pain [~~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, benzodiazepines, barbiturates, or carisoprodol, but not including suboxone.

(2) "Operator" means an owner, medical director, or physician affiliated or associated with the pain management clinic in any capacity. Each of these individuals is considered to be operating at the pain management clinic.

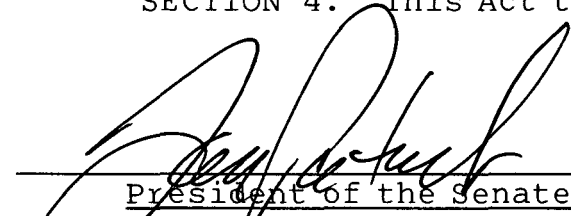
SECTION 2. Section 168.201(d), Occupations Code, is amended to read as follows:

(d) A person who owns or operates a pain management clinic is engaged in the practice of medicine. This shall include, but is not limited to, all supervision and delegation activities related to the pain management clinic.

SECTION 3. Section 168.202(c), Occupations Code, is amended by adding Subsection (c) to read as follows:

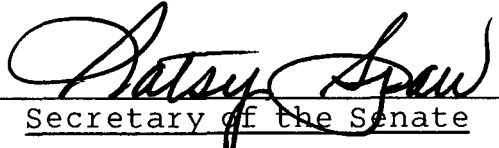
1 (c) A violation of this chapter is subject to criminal  
2 prosecution under Section 165.152.

3 SECTION 4. This Act takes effect September 1, 2015.\_\_\_\_\_

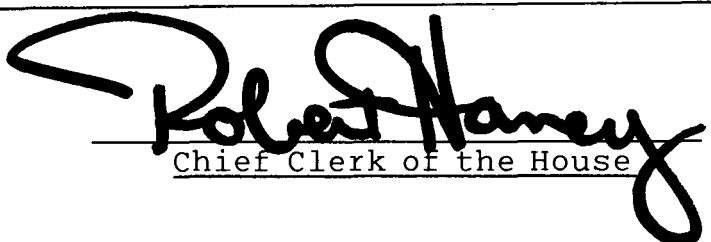
  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1235 passed the Senate on  
April 13, 2015, by the following vote: Yeas 31, Nays 0.\_\_\_\_\_

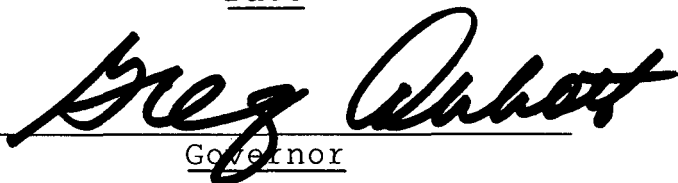
  
\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1235 passed the House on  
May 19, 2015, by the following vote: Yeas 144, Nays 2,  
two present not voting.\_\_\_\_\_

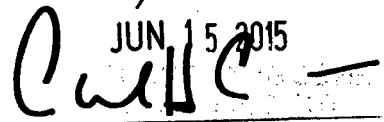
  
\_\_\_\_\_  
Chief Clerk of the House

Approved:

6-11-2015  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:15 pm O'CLOCK

  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 2, 2015**

**TO:** Honorable Myra Crownover, Chair, House Committee on Public Health

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB1235 by Whitmire (Relating to defining the duties and to the penalties concerning pain management clinics.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code relating to defining the duties and penalties concerning pain management clinics. According to the Texas Medical Board, any costs to implement the provisions of the bill could be absorbed using current resources. This analysis assumes the provisions of the bill would not result in a significant impact on state correctional agencies.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 503 Texas Medical Board

**LBB Staff:** UP, NB, KJo, NV, TWh, ESi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 30, 2015**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB1235 by Whitmire (Relating to defining the duties and penalties concerning pain management clinics.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code relating to defining the duties and penalties concerning pain management clinics. According to the Texas Medical Board, any costs to implement the provisions of the bill could be absorbed using current resources. This analysis assumes the provisions of the bill would not result in a significant impact on state correctional agencies.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 503 Texas Medical Board

**LBB Staff:** UP, KJo, NV, TWh, ESi

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**84TH LEGISLATIVE REGULAR SESSION**

**March 30, 2015**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB1235** by Whitmire (Relating to defining the duties and penalties concerning pain management clinics.), **As Introduced**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Occupations Code to indicate persons in violation of certain statutes related to the regulation of pain management clinics would be subject to certain criminal penalties. The violation subject to the bill's provisions would be prosecuted as a third degree felony.

A third degree felony is punishable by confinement in prison for two to ten years and an optional fine not to exceed \$10,000.

In fiscal year 2014, 11 people were arrested, fewer than 10 were placed on felony community supervision, and fewer than 10 were admitted to state correctional institutions for the third degree felony offense referenced in the bill. Data are not available to indicate the future number of persons who would be in violation of the bill's provisions. However, this analysis assumes the provisions of the bill would not significantly impact state correctional populations, programs, or workloads.

**Source Agencies:**

**LBB Staff:** UP, LM, ESi