

1-1 By: Hinojosa, et al. S.B. No. 315
 1-2 (In the Senate - Filed March 7, 2017; March 9, 2017, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 May 8, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; May 8, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 315 By: Uresti

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the enforcement of subpoenas and the regulation of pain
 1-22 management clinics by the Texas Medical Board.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Section 153.007, Occupations
 1-25 Code, is amended to read as follows:

1-26 Sec. 153.007. AUTHORITY TO ISSUE SUBPOENA OR ADMINISTER
 1-27 OATH; SUBPOENA ENFORCEMENT.

1-28 SECTION 2. Section 153.007, Occupations Code, is amended by
 1-29 adding Subsections (e) and (f) to read as follows:

1-30 (e) If a person fails to comply with a subpoena issued under
 1-31 this section, the board, acting through the attorney general, may
 1-32 file suit to enforce the subpoena in a district court in Travis
 1-33 County or in a county in which a hearing conducted by the board may
 1-34 be held.

1-35 (f) On finding that good cause exists for issuing the
 1-36 subpoena, the court shall order the person to comply with the
 1-37 subpoena.

1-38 SECTION 3. Subchapter A, Chapter 168, Occupations Code, is
 1-39 amended by adding Section 168.003 to read as follows:

1-40 Sec. 168.003. LEGISLATIVE FINDING. The legislature finds
 1-41 that deaths resulting from the use of opioids and other controlled
 1-42 substances constitute a public health crisis and that there is a
 1-43 compelling state interest in the board closely regulating the
 1-44 prescribing of opioids and other controlled substances by
 1-45 physicians and their delegates. Accordingly, the legislature finds
 1-46 that inspections and investigations conducted by the board,
 1-47 including the board's use of subpoenas for immediate production,
 1-48 inspection, and copying of medical and billing records, are
 1-49 necessary to adequately regulate the prescribing of opioids and
 1-50 other controlled substances in order to protect the public health
 1-51 and welfare.

1-52 SECTION 4. Section 168.052, Occupations Code, is amended to
 1-53 read as follows:

1-54 Sec. 168.052. INSPECTIONS. (a) The board may inspect a
 1-55 pain management clinic certified under this chapter, including the
 1-56 documents of a physician practicing at the clinic, as necessary to
 1-57 ensure compliance with this chapter.

1-58 (b) The board may inspect a clinic or facility that is not
 1-59 certified under this chapter to determine whether the clinic or
 1-60 facility is required to be certified under Section 168.101. The

2-1 board by rule shall establish the grounds for conducting an
2-2 inspection under this subsection, including grounds based on:
2-3 (1) the population of patients served by the clinic or
2-4 facility;
2-5 (2) the volume or combination of drugs prescribed to
2-6 patients served by the clinic or facility; and
2-7 (3) any other criteria the board considers sufficient
2-8 to require an inspection of the clinic or facility.

2-9 SECTION 5. Section 168.201, Occupations Code, is amended by
2-10 adding Subsection (a-1) to read as follows:

2-11 (a-1) For the purposes of this section, inappropriate
2-12 prescribing includes nontherapeutic prescribing or other conduct
2-13 as specified by board rule.

2-14 SECTION 6. This Act takes effect September 1, 2017.

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