

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 380,  
2 Page 9, Section 192.926, Line 47, by inserting immediately after said line the following:

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4 "197.600. 1. For purposes of this section, the term "pain management clinic" shall mean a  
5 privately owned clinic, facility, or office in which health care providers provide chronic  
6 nonmalignant pain treatment through pharmacotherapy to a majority of its patients for ninety days or  
7 more in a twelve-month period or a privately owned clinic, facility, or office which advertises in any  
8 medium for chronic pain management services through pharmacotherapy. Chronic nonmalignant  
9 pain treatment through pharmacotherapy shall not include, and shall not be construed to include,  
10 surgical or obstetrical anesthesia services, postoperative pain control, or interventional pain  
11 management procedures and techniques. For purposes of determining if a clinic, facility, or office  
12 qualifies as a pain management clinic under this section, the entire clinic, facility, or office caseload  
13 of patients who received health care services from all physicians, advanced practice registered  
14 nurses, physician assistants, and assistant physicians who serve in the clinic, facility, or office shall  
15 be counted.

16 2. No owner or employee of a pain management clinic shall have previously been denied or  
17 had a restricted license to prescribe, dispense, administer, supply, or sell a controlled substance or  
18 been subject to disciplinary action by any licensing entity for conduct that was a result of  
19 inappropriately prescribing, dispensing, administering, supplying, or selling a controlled substance.

20 3. No pain management clinic as defined in this section shall operate in the state unless it has  
21 been issued a pain management clinic certificate by the department of health and senior services after  
22 a determination that the clinic meets the requirements of this section and any other requirements the  
23 department may require by regulation. Any pain management clinic operating on the effective date  
24 of this section shall have ninety days to obtain a certificate from the department.

25 4. The department of health and senior services shall promulgate rules and regulations to  
26 implement the provisions of this section pertaining to the operation and licensure of pain  
27 management clinics. Such rules and regulations shall include, but not be limited to:

- 28 (1) The certification process and any required fees;
- 29 (2) Required hours of operation;
- 30 (3) Required licenses and certifications of staff and staffing levels;
- 31 (4) Record keeping and patient chart requirements;
- 32 (5) A requirement to participate in any prescription drug monitoring program in Missouri.

33  
34 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the  
35 authority delegated in this section shall become effective only if it complies with and is subject to all  
36 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

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1 nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to  
2 review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
3 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
4 August 28, 2015, shall be invalid and void."; and

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6 Further amend said bill by amending the title, enacting clause, and intersectional references  
7 accordingly.  
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