

HCS HB 1077 -- PAIN MANAGEMENT CLINICS

SPONSOR: Swan

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Health and Mental Health Policy by a vote of 11 to 0. Voted "Do Pass with HCS" by the Select Committee on Social Services by a vote of 10 to 0.

The bill defines a "pain management clinic" as a privately owned clinic, facility, or office in which health care providers provide chronic nonmalignant pain treatment through pharmacotherapy to a majority of its patients for 90 days or more in a 12-month period or a privately owned clinic, facility, or office which advertises in any medium for chronic pain management services through pharmacotherapy. Chronic nonmalignant pain treatment through pharmacotherapy must not include, and must not be construed to include, surgical or obstetrical anesthesia services, postoperative pain control, or interventional pain management procedures and techniques. For purposes of determining if a clinic, facility, or office qualifies as a pain management clinic under these provisions, the entire clinic, facility, or office caseload of patients who received health care services from all physicians, advanced practice registered nurses, assistant physicians, and physician assistants who serve in the clinic, facility, or office must be counted.

The bill prohibits an owner or employee of a pain management clinic from having previously been denied or had a restricted license to prescribe, dispense, administer, supply, or sell a controlled substance or been subject to disciplinary action by any licensing entity for conduct that was a result of inappropriately prescribing, dispensing, administering, supplying, or selling a controlled substance.

The bill prohibits any pain management clinic from operating in the state unless it has been issued a pain management clinic certificate by the Department of Health and Senior Services after a determination that the clinic meets the requirements of these provisions and any other requirements the department may require by regulation. Any pain management clinic operating on the effective date of the bill must have 90 days to obtain a certificate from the department.

The bill requires the department to establish rules and regulations to implement the provisions of this bill pertaining to the operation and licensure of pain management clinics.

PROPOSERS: Supporters say that according to a 2014 report,

prescription drug abuse continues to be the fastest growing drug problem in the United States. Pill mills are a huge cause of the problem. Common indicators that an office is a pill mill include: they don't look at a patient's previous medical records; there is no physical exam of the patient; the physicians prescribing are usually at the end of their practice or are addicted to prescription drugs themselves; all prescribing is non-therapeutic prescribing; they accept cash only; and they accept walk-ins only, there are no appointments allowed. Currently, nine states have passed pain clinic regulation acts. The bill was initially filed as template, the offered amendment contains compromise language agreed upon by interested parties. There is no direct state impact or local political subdivision impact in the fiscal note.

Testifying for the bill were Representative Swan; Missouri State Medical Association; and Missouri Association Of Physicians And Surgeons.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that they are concerned the bill could impair the practice of family or primary care physicians and could label palliative care offices as pain management clinics. The bill contains a loophole that limits the regulation to only clinics using pharmacotherapy, thus any office performing invasive surgery doesn't need to be licensed and isn't regulated under the bill.

Testifying on the bill was Missouri Academy of Family Physicians.