

SECOND REGULAR SESSION

# HOUSE BILL NO. 1608

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SWAN.

4838H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to pain management clinics.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 197, RSMo, is amended by adding thereto one new section, to be known as section 197.600, to read as follows:

**197.600. 1. For purposes of this section, the term “pain management clinic” shall mean 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 ninety days or more in a twelve-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 shall not include, and shall 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 this section, the entire clinic, facility, or office caseload of patients who received health care services from all physicians, advanced practice registered nurses, physician assistants, and assistant physicians who serve in the clinic, facility, or office shall be counted.**

**2. No owner or employee of a pain management clinic shall have 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**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **conduct that was a result of inappropriately prescribing, dispensing, administering,**  
18 **supplying, or selling a controlled substance.**

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

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

29 **(1) The certification process and any required fees;**

30 **(2) Required hours of operation;**

31 **(3) Required licenses and certifications of staff and staffing levels;**

32 **(4) Record keeping and patient chart requirements; and**

33 **(5) A requirement to participate in any prescription drug monitoring program in**  
34 **Missouri.**

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36 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**  
37 **under the authority delegated in this section shall become effective only if it complies with**  
38 **and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**  
39 **This section and chapter 536 are nonseverable, and if any of the powers vested with the**  
40 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
41 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
42 **rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be**  
43 **invalid and void.**

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