

SENATE BILL NO. 502

BY SENATOR HEITMEIER

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AN ACT

To amend and reenact R.S. 40:2198.12 (D), relative to licensure of pain management clinics; to provide for the expiration of a licensure exemption; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2198.12(D) is hereby amended and reenacted to read as follows:
§2198.12. Licensure of pain management clinics; rules and regulations

* * *

D. (1) The following shall apply to pain management clinics operating on or before June 15, 2005, pursuant to an occupational license or certificate of operation which has not been suspended or revoked:

~~(1)~~(a) The pain management clinic shall not be owned, either in whole or in part, by or have any contractual relationship, whether through employment or by independent contract, with a physician who during the course of his practice has been denied the privilege of prescribing, dispensing, administering, supplying, or selling any controlled dangerous substance and who has, during the course of his practice had board action taken against his medical license as a result of dependency on drugs or alcohol.

~~(2)~~(b) The pain management clinic shall be operated by a medical director who shall be a physician.

~~(3)~~(c) The pain management clinic shall not be owned, in whole or in part,

1 by a person who has been convicted of or who has pled guilty or nolo contendere to
 2 an offense that constitutes a felony.

3 ~~(4)~~(d) The pain management clinic shall not be owned, in whole or in part,
 4 by a person who has been convicted of or who has pled guilty or nolo contendere to
 5 an offense that constitutes a misdemeanor, the facts of which relate to the
 6 distribution or illegal prescription of any narcotic.

7 ~~(5)~~(e) The pain management clinic shall operate as an urgent care facility,
 8 offering primary or acute health services in addition to caring for those with chronic
 9 pain and shall have held itself out to the public as such.

10 ~~(6)~~(f) The pain management clinic shall implement policies and procedures
 11 that are consistent with all pain management regulations issued by the State Board
 12 of Medical Examiners.

13 ~~(7)~~(g) A pain management clinic which is exempted from the requirement of
 14 being owned and operated by a physician certified in the subspecialty of pain
 15 management may relocate and continue to be exempted from the requirement of
 16 being owned and operated by a physician certified in the subspecialty of pain
 17 management if the new location is in the same parish in which the original clinic was
 18 located.

19 ~~(8)~~(h) All pain management clinics shall submit to the department all relevant
 20 documentation proving valid operation before June 15, 2005, including but not
 21 limited to occupational licenses or certificates of operation issued by local
 22 authorities.

23 **(2) A pain management clinic that is not licensed by or has not made an**
 24 **application to the department for licensure under this Part on or before August**
 25 **1, 2014, shall not be licensed under the exemption to Subsection A of this**
 26 **Section as provided for in this Subsection.**

27 * * *

28 Section 2. This Act shall become effective upon signature by the governor or, if not
 29 signed by the governor, upon expiration of the time for bills to become law without signature
 30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____