

SENATE CHAMBER  
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 1

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

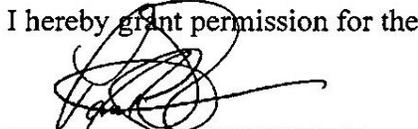
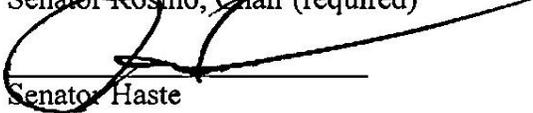
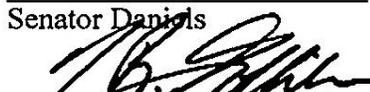
I move to amend Senate Bill No. 1897, by substituting the attached floor substitute (Request #3539) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Standridge

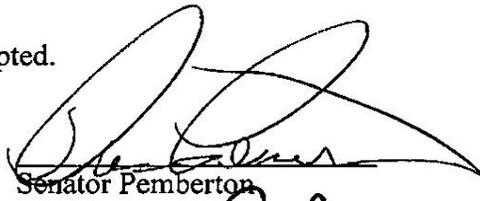
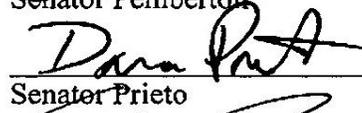
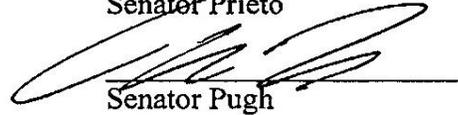
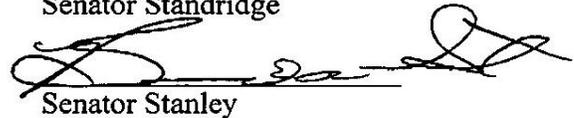
I hereby grant permission for the floor substitute to be adopted.

  
\_\_\_\_\_  
Senator Rosino, Chair (required)  
\_\_\_\_\_  
Senator Haste  
\_\_\_\_\_  
Senator Daniels  
\_\_\_\_\_  
Senator Gollihare

\_\_\_\_\_  
Senator Hall

\_\_\_\_\_  
Senator Hicks

\_\_\_\_\_  
Senator Treat, President Pro Tempore

  
\_\_\_\_\_  
Senator Pemberton  
\_\_\_\_\_  
Senator Prieto  
\_\_\_\_\_  
Senator Pugh  
\_\_\_\_\_  
Senator Standridge  
\_\_\_\_\_  
Senator Stanley

\_\_\_\_\_  
Senator Young

\_\_\_\_\_  
Senator McCortney, Majority Floor Leader

Note: Health and Human Services committee majority requires seven (7) members' signatures.

Standridge-DC-FS-SB1897  
3/12/2024 9:04 AM

(Floor Amendments Only)

Date and Time Filed: 3-12-24 9:40am *gd*

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1897

By: Standridge of the Senate

and

Kannady of the House

6  
7  
8  
9 FLOOR SUBSTITUTE

10 [ controlled dangerous substances - registration -  
11 pain management clinics - requirements -  
12 responsibilities - penalties - rules - codification -  
13 effective date ]

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-302, as  
16 amended by Section 1, Chapter 103, O.S.L. 2023 (63 O.S. Supp. 2023,  
17 Section 2-302), is amended to read as follows:

18 Section 2-302. A. Every person who manufactures, distributes,  
19 dispenses, prescribes, administers or uses for scientific purposes  
20 any controlled dangerous substance within or into this state, or who  
21 proposes to engage in the manufacture, distribution, dispensing,  
22 prescribing, administering or use for scientific purposes of any  
23 controlled dangerous substance within or into this state shall  
24 obtain a registration issued by the Director of the Oklahoma State

1 Bureau of Narcotics and Dangerous Drugs Control, in accordance with  
2 rules promulgated by the Director. Persons registered by the  
3 Director under Section 2-101 et seq. of this title to manufacture,  
4 distribute, dispense or conduct research with controlled dangerous  
5 substances may possess, manufacture, distribute, dispense or conduct  
6 research with those substances to the extent authorized by their  
7 registration and in conformity with the other provisions of the  
8 Uniform Controlled Dangerous Substances Act. Every wholesaler,  
9 manufacturer or distributor of any drug product containing  
10 pseudoephedrine or phenylpropanolamine, or their salts, isomers or  
11 salts of isomers, shall obtain a registration issued by the Director  
12 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
13 Control in accordance with rules promulgated by the Director and as  
14 provided for in Section 2-332 of this title. Any person who  
15 manufactures, distributes, dispenses, prescribes, administers or  
16 uses for scientific purposes any controlled dangerous substances  
17 within or into this state without first obtaining a registration  
18 issued by the Director of the Oklahoma State Bureau of Narcotics and  
19 Dangerous Drugs Control shall be subject to the same statutory and  
20 administrative jurisdiction of the Director as if that person were  
21 an applicant or registrant.

22 B. Out-of-state pharmaceutical suppliers who provide controlled  
23 dangerous substances to individuals within this state shall obtain a  
24 registration issued by the Director of the Oklahoma State Bureau of

1 Narcotics and Dangerous Drugs Control, in accordance with rules  
2 promulgated by the Director. This provision shall also apply to  
3 wholesale distributors who distribute controlled dangerous  
4 substances to pharmacies or other entities registered within this  
5 state in accordance with rules promulgated by the Director.

6 C. Every person who owns in whole or in part a ~~public or~~  
7 ~~private medical facility for which a majority of patients are issued~~  
8 ~~on a reoccurring monthly basis a prescription for opioids,~~  
9 ~~benzodiazepines, barbiturates or carisoprodol, but not including~~  
10 ~~buprenorphine with naloxone or buprenorphine as used for medication-~~  
11 ~~assisted treatment services,~~ pain management clinic as defined in  
12 Section 3 of this act shall obtain a registration issued by the  
13 Director of the Oklahoma State Bureau of Narcotics and Dangerous  
14 Drugs Control in accordance with Sections 3 through 7 of this act  
15 and rules promulgated by the Director.

16 D. Every manufacturer and distributor required to register  
17 under the provisions of this section shall provide all data required  
18 pursuant to 21 U.S.C., Section 827(d)(1) on a monthly basis to the  
19 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.  
20 Controlled dangerous substances in Schedule I shall be reported in  
21 accordance with rules promulgated by the Director. Reporting of  
22 controlled dangerous substances pursuant to 21 U.S.C., Section  
23 827(d)(1) shall include, but not be limited to:

24

1 1. The manufacturer's or distributor's name, address, phone  
2 number, DEA registration number and controlled dangerous substance  
3 registration number issued by the Bureau;

4 2. The name, address and DEA registration number of the entity  
5 to whom the controlled dangerous substance was sold;

6 3. The date of the sale of the controlled dangerous substance;

7 4. The name and National Drug Code of the controlled dangerous  
8 substance sold; and

9 5. The number of containers and the strength and quantity of  
10 controlled dangerous substances in each container sold.

11 E. The information maintained and provided pursuant to  
12 subsection D of this section shall be confidential and not open to  
13 the public. Access to the information shall, at the discretion of  
14 the Director, be limited to:

15 1. Peace officers certified pursuant to the provisions of  
16 Section 3311 of Title 70 of the Oklahoma Statutes who are employed  
17 as investigative agents of the Oklahoma State Bureau of Narcotics  
18 and Dangerous Drugs Control or the Office of the Attorney General;

19 2. The United States Drug Enforcement Administration Diversion  
20 Group Supervisor; and

21 3. A multicounty grand jury properly convened pursuant to the  
22 provisions of the Multicounty Grand Jury Act.

23 F. Manufacturers, distributors, home care agencies, hospices,  
24 home care services, ~~medical facility~~ pain management clinic owners

1 referred to in subsection C of this section and scientific  
2 researchers shall obtain a registration annually. Other  
3 practitioners shall obtain a registration for a period to be  
4 determined by the Director that will be for a period not less than  
5 one (1) year nor more than three (3) years.

6 G. Every trainer or handler of a canine controlled dangerous  
7 substances detector who, in the ordinary course of such trainer's or  
8 handler's profession, desires to possess any controlled dangerous  
9 substance, annually, shall obtain a registration issued by the  
10 Director for a fee of Seventy Dollars (\$70.00). Such persons shall  
11 be subject to all applicable provisions of Section 2-101 et seq. of  
12 this title and such applicable rules promulgated by the Director for  
13 those individuals identified in subparagraph a of paragraph 32 of  
14 Section 2-101 of this title. Persons registered by the Director  
15 pursuant to this subsection may possess controlled dangerous  
16 substances to the extent authorized by their registration and in  
17 conformity with the other provisions of the Uniform Controlled  
18 Dangerous Substances Act.

19 H. The following persons shall not be required to register and  
20 may lawfully possess controlled dangerous substances under the  
21 provisions of Section 2-101 et seq. of this title:

22 1. An agent, or an employee thereof, of any registered  
23 manufacturer, distributor, dispenser or user for scientific purposes  
24 of any controlled dangerous substance, if such agent is acting in

1 the usual course of such agent's or employee's business or  
2 employment;

3 2. Any person lawfully acting under the direction of a person  
4 authorized to administer controlled dangerous substances under  
5 Section 2-312 of this title;

6 3. A common or contract carrier or warehouse, or an employee  
7 thereof, whose possession of any controlled dangerous substance is  
8 in the usual course of such carrier's or warehouse's business or  
9 employment;

10 4. An ultimate user or a person in possession of any controlled  
11 dangerous substance pursuant to a lawful order of a practitioner;

12 5. An individual pharmacist acting in the usual course of such  
13 pharmacist's employment with a pharmacy registered pursuant to the  
14 provisions of Section 2-101 et seq. of this title;

15 6. A nursing home licensed by this state;

16 7. Any Department of Mental Health and Substance Abuse Services  
17 employee or any person whose facility contracts with the Department  
18 of Mental Health and Substance Abuse Services whose possession of  
19 any dangerous drug, as defined in Section 353.1 of Title 59 of the  
20 Oklahoma Statutes, is for the purpose of delivery of a mental health  
21 consumer's medicine to the consumer's home or residence;

22 8. Registered nurses and licensed practical nurses; and

23 9. An assisted living facility licensed by this state.

24

1 I. The Director may, by rule, waive the requirement for  
2 registration or fee for registration of certain manufacturers,  
3 distributors, dispensers, prescribers, administrators or users for  
4 scientific purposes if the Director finds it consistent with the  
5 public health and safety.

6 J. A separate registration shall be required at each principal  
7 place of business or professional practice where the applicant  
8 manufactures, distributes, dispenses, prescribes, administers or  
9 uses for scientific purposes controlled dangerous substances.

10 K. The Director is authorized to inspect the establishment of a  
11 registrant or applicant for registration in accordance with rules  
12 promulgated by the Director.

13 L. No person engaged in a profession or occupation for which a  
14 license to engage in such activity is provided by law shall be  
15 registered under the Uniform Controlled Dangerous Substances Act  
16 unless such person holds a valid license of such person's profession  
17 or occupation.

18 M. Registrations shall be issued on the first day of November  
19 of each year. Registrations may be issued at other times, however,  
20 upon certification of the professional licensing board.

21 N. The licensing boards of all professions and occupations to  
22 which the use of controlled dangerous substances is incidental shall  
23 furnish a current list to the Director, not later than the first day  
24 of October of each year, of the persons holding valid licenses. All

1 such persons except persons exempt from registration requirements  
2 under subsection H of this section shall be subject to the  
3 registration requirements of Section 2-101 et seq. of this title.

4 O. The licensing board of any professional defined as a mid-  
5 level practitioner shall notify and furnish to the Director, not  
6 later than the first day of October of each year, that such  
7 professional holds a valid license, a current listing of individuals  
8 licensed and registered with their respective boards to prescribe,  
9 order, select, obtain and administer controlled dangerous  
10 substances. The licensing board shall immediately notify the  
11 Director of any action subsequently taken against any such  
12 individual.

13 P. Beginning November 1, 2010, each registrant that prescribes,  
14 administers or dispenses methadone shall be required to check the  
15 prescription profile of the patient on the central repository of the  
16 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

17 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-303, as  
18 amended by Section 1, Chapter 31, 1st Extraordinary Session, O.S.L.  
19 2023 (63 O.S. Supp. 2023, Section 2-303), is amended to read as  
20 follows:

21 Section 2-303. A. The Director of the Oklahoma State Bureau of  
22 Narcotics and Dangerous Drugs Control shall register an applicant to  
23 own a ~~medical facility~~ pain management clinic as described in  
24 subsection C of Section 2-302 of this title, or to manufacture,

1 distribute, dispense, prescribe, administer or use for scientific  
2 purposes controlled dangerous substances included in Schedules I  
3 through V of Section 2-101 et seq. of this title unless the Director  
4 determines that the issuance of such registration is inconsistent  
5 with the public interest. In determining the public interest, the  
6 following factors shall be considered:

7 1. Maintenance of effective controls against diversion of  
8 particular controlled dangerous substances and any Schedule I or II  
9 substance compounded therefrom into other than legitimate medical,  
10 scientific or industrial channels including examination of the  
11 fitness of his or her employees or agents to handle dangerous  
12 substances;

13 2. Compliance with applicable state and local law;

14 3. Has been found guilty of, entered a plea of guilty or nolo  
15 contendere to a charge under the Uniform Controlled Dangerous  
16 Substances Act or any other state or federal law relating to any  
17 substance defined herein as a controlled dangerous substance or any  
18 felony under the laws of any state or the United States;

19 4. Furnishing by the applicant false or fraudulent material  
20 information in any application filed under Section 2-101 et seq. of  
21 this title;

22 5. Past experience in the manufacture, distribution,  
23 dispensing, prescribing, administering or use for scientific  
24

1 purposes of controlled dangerous substances, and the existence in  
2 the establishment of effective controls against diversion;

3 6. Denial, suspension or revocation of the applicant's federal  
4 registration to manufacture, distribute or dispense controlled  
5 dangerous substances as authorized by federal law; and

6 7. Such other factors as may be relevant to and consistent with  
7 the public health and safety.

8 Nothing herein shall be deemed to require individual licensed  
9 pharmacists to register under the provisions of the Uniform  
10 Controlled Dangerous Substances Act.

11 B. Registration granted under subsection A of this section  
12 shall not entitle a registrant to manufacture, distribute, dispense,  
13 prescribe, administer or use for scientific purposes controlled  
14 dangerous substances in Schedule I or II other than those specified  
15 in the registration.

16 C. Practitioners shall be registered to dispense, prescribe,  
17 administer or use for scientific purposes substances in Schedules II  
18 through V if they are authorized to carry on their respective  
19 activities under the laws of this state. A registration application  
20 by a practitioner who wishes to conduct research with Schedule I  
21 substances shall be accompanied by evidence of the applicant's  
22 federal registration to conduct such activity and shall be referred  
23 to the Medical Research Commission for advice. The Medical Research  
24 Commission shall promptly advise the Director concerning the

1 qualifications of each practitioner requesting such registration.  
2 Registration for the purpose of bona fide research or of use for  
3 scientific purposes with Schedule I substances by a practitioner  
4 deemed qualified by the Medical Research Commission may be denied  
5 only on a ground specified in subsection A of Section 2-304 of this  
6 title or if there are reasonable grounds to believe that the  
7 applicant will abuse or unlawfully transfer such substances or fail  
8 to safeguard adequately such applicant's supply of such substances  
9 against diversion from legitimate medical or scientific use.

10 D. 1. The Director shall initially permit persons to register  
11 who own or operate any establishment engaged in the manufacture,  
12 distribution, dispensing, prescribing, administering or use for  
13 scientific purposes of any controlled dangerous substances prior to  
14 June 4, 1991, and who are registered or licensed by the state. Fees  
15 for registration under this section shall be as follows:

16	Practitioners and mid-level		
17	practitioners	\$140.00	per year
18			of registration
19	Home Care Agencies, Hospices &		
20	Home Care Services	\$140.00	annually
21	Medical Facility Owners	\$300.00	annually
22	Distributors	\$300.00	annually
23	Manufacturers	\$2,500.00	annually

24

1 Manufacturer, Wholesaler, or  
2 Distributor of drug products  
3 containing pseudoephedrine  
4 or phenylpropanolamine \$300.00 annually

5 2. A registrant shall be required to pay double the amount of  
6 the above-listed fee for any renewal of registration received more  
7 than thirty (30) days late.

8 3. A ~~Ten Dollar (\$10.00)~~ ten-dollar fee shall be charged for a  
9 duplicate registration certificate.

10 E. Compliance by manufacturers and distributors with the  
11 provisions of the ~~Federal~~ federal Controlled Substances Act, 21  
12 U.S.C., Section 801 et seq., respecting registration, excluding  
13 fees, shall be deemed sufficient to qualify for registration under  
14 Section 2-101 et seq. of this title.

15 SECTION 3. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 2-303.1 of Title 63, unless  
17 there is created a duplication in numbering, reads as follows:

18 As used in this act:

19 1. "Acute pain" has the same meaning as provided by Section 2-  
20 101 of Title 63 of the Oklahoma Statutes;

21 2. "Chronic nonmalignant pain" means pain unrelated to cancer  
22 which persists beyond the usual course of disease or the injury that  
23 is the cause of the pain for more than ninety (90) calendar days;

1           3. "Licensed prescriber" means a prescriber as defined in  
2 Section 353.1 of Title 59 of the Oklahoma Statutes, other than a  
3 veterinarian, who has the authority to prescribe any controlled  
4 dangerous substance under Section 2-312 of Title 63 of the Oklahoma  
5 Statutes; and

6           4. "Pain management clinic" or "clinic" means any publicly or  
7 privately owned facility where in any month over sixty percent (60%)  
8 of patients who are not being seen for hospice or palliative care  
9 are prescribed opioids, benzodiazepines, barbiturates, carisoprodol,  
10 or ketamine for the treatment of chronic nonmalignant pain.

11           SECTION 4.           NEW LAW           A new section of law to be codified  
12 in the Oklahoma Statutes as Section 2-303.2 of Title 63, unless  
13 there is created a duplication in numbering, reads as follows:

14           A. Each pain management clinic shall register with the Oklahoma  
15 State Bureau of Narcotics and Dangerous Drugs Control as required by  
16 subsection C of Section 2-302 of Title 63 of the Oklahoma Statutes  
17 unless:

18           1. The clinic is affiliated with an accredited medical school  
19 at which training is provided for medical students, residents, or  
20 fellows;

21           2. The clinic does not employ or contract with any licensed  
22 prescriber that prescribes controlled dangerous substances for the  
23 treatment of pain;

24

1           3. The clinic primarily treats hospice or palliative care  
2 patients; or

3           4. A majority of the patients treated by the clinic are treated  
4 for acute pain.

5           B. Each clinic location shall be registered separately  
6 regardless of whether the clinic is operated under the same business  
7 name or management as another clinic and each clinic location shall  
8 be a permanent, fixed, physical address of operation.

9           C. As a part of registration, a clinic shall designate an owner  
10 or administrator who is responsible for ensuring compliance with all  
11 requirements related to registration and operation of the clinic  
12 under this act. Within ten (10) calendar days after termination of  
13 a designated owner or administrator, the clinic shall notify the  
14 Bureau of the identity of another designated owner or administrator  
15 for that clinic. Failing to have a designated owner or  
16 administrator at the location of the registered clinic may be the  
17 basis for a summary suspension of the clinic registration  
18 certificate as described in this section.

19           D. As a condition of eligibility for registration, a pain  
20 management clinic shall be at least fifty-one percent (51%) owned by  
21 one or more physicians licensed in this state and in good standing.  
22 A pain management clinic shall immediately report changes in  
23 ownership to the Bureau in a manner prescribed by the Director.

24

1 E. The Bureau shall deny registration to any pain management  
2 clinic owned by or with any contractual or employment relationship  
3 with a licensed prescriber:

4 1. Whose Drug Enforcement Administration registration has ever  
5 been revoked;

6 2. Whose application for a license or other authorization to  
7 prescribe, dispense, or administer a controlled dangerous substance  
8 has been denied for disciplinary action by the appropriate licensing  
9 board; or

10 3. Who has been convicted of or pleaded guilty or nolo  
11 contendere to, regardless of adjudication, an offense that  
12 constitutes a felony for receipt of illicit or diverted drugs  
13 including a controlled dangerous substance listed in Schedule I, II,  
14 III, IV, or V of the Uniform Controlled Dangerous Substances Act, in  
15 this state, any other state, or the United States.

16 F. The Bureau may also deny registration to any pain management  
17 clinic if the Bureau determines that the issuance of such  
18 registration is inconsistent with the public interest as described  
19 in subsection A of Section 2-303 of Title 63 of the Oklahoma  
20 Statutes.

21 G. If the Bureau finds that a pain management clinic is owned,  
22 directly or indirectly, by a person meeting any criteria listed in  
23 subsection E of this section, the Bureau shall revoke the  
24 certificate of registration previously issued by the Bureau. As

1 determined by rule, the Bureau may grant an exemption to denying a  
2 registration or revoking a previously issued registration if more  
3 than five (5) years have elapsed since adjudication. As used in  
4 this section, the term "convicted" includes an adjudication of guilt  
5 following a plea of guilty or nolo contendere or the forfeiture of a  
6 bond when charged with a crime.

7 H. 1. As provided by Sections 2-304 and 2-305 of Title 63 of  
8 the Oklahoma Statutes, the registration of a pain management clinic  
9 may be limited, conditioned, denied, suspended, annulled, or revoked  
10 by the Director for any additional reason specified in Section 2-304  
11 of Title 63 of the Oklahoma Statutes.

12 2. As provided by subsection F of Section 2-305 of Title 63 of  
13 the Oklahoma Statutes, the Director may issue an order immediately  
14 suspending the registration of a pain management clinic, without  
15 notice or a hearing, when he or she finds there is imminent danger  
16 to the public health or safety which warrants this action.

17 I. If the registration of a pain management clinic is revoked  
18 or suspended, the designated owner or administrator of the pain  
19 management clinic, the owner or lessor of the pain management clinic  
20 property, the manager, and the proprietor shall cease to operate the  
21 facility as a pain management clinic as of the effective date of the  
22 suspension or revocation.

23 J. If a pain management clinic registration is revoked or  
24 suspended, the designated owner or administrator of the pain

1 management clinic, the owner or lessor of the pain management clinic  
2 property, the manager, or the proprietor is responsible for removing  
3 all signs and symbols identifying the premises as a pain management  
4 clinic.

5 K. If the clinic's registration is revoked, any person named in  
6 the registration documents of the pain management clinic including  
7 persons owning or operating the pain management clinic shall not, as  
8 an individual or as a part of a group, apply to operate a pain  
9 management clinic for one (1) year after the date the registration  
10 is revoked.

11 L. The period of suspension for the registration of a pain  
12 management clinic shall be prescribed by the Bureau but shall not  
13 exceed one (1) year.

14 M. A change of ownership of a registered pain management clinic  
15 shall require submission of a new registration application.

16 SECTION 5. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 2-303.3 of Title 63, unless  
18 there is created a duplication in numbering, reads as follows:

19 A. A licensed prescriber shall not be employed or contracted by  
20 or otherwise practice in a pain management clinic if the clinic is  
21 not registered by the Oklahoma State Bureau of Narcotics and  
22 Dangerous Drugs Control under this act. A licensed prescriber who  
23 qualifies to practice in a pain management clinic pursuant to rules  
24 adopted by the appropriate licensing board may continue to practice

1 in a pain management clinic if the licensed prescriber continues to  
2 meet the qualifications prescribed in the rules. A licensed  
3 prescriber who violates this subsection is subject to disciplinary  
4 action by the appropriate licensing board.

5 B. Only a licensed prescriber licensed in this state and  
6 authorized to prescribe controlled dangerous substances under  
7 Section 2-312 of Title 63 of the Oklahoma Statutes may prescribe a  
8 controlled dangerous substance on the premises of a registered pain  
9 management clinic and only to the extent allowed by Section 2-312 of  
10 Title 63 of the Oklahoma Statutes. No person shall dispense any  
11 controlled dangerous substance on the premises of a pain management  
12 clinic. The provisions of this subsection shall not be construed to  
13 expand or otherwise modify the prescriptive authority of any  
14 licensed prescriber.

15 C. A licensed prescriber shall perform a physical examination  
16 of a patient on the same day that the licensed prescriber prescribes  
17 a controlled dangerous substance to a patient at a pain management  
18 clinic.

19 D. A licensed prescriber authorized to prescribe controlled  
20 dangerous substances who practices at a pain management clinic is  
21 responsible for maintaining the control and security of his or her  
22 prescription blanks and any other method used for prescribing  
23 controlled dangerous substance pain medication. The licensed  
24 prescriber shall notify, in writing, the Bureau within twenty-four

1 (24) hours following any theft or loss of a prescription blank or  
2 breach of any other method for prescribing pain medication. The  
3 provisions of this subsection shall not be construed to exempt a  
4 licensed prescriber from any electronic prescription requirements  
5 stipulated in Section 2-309 of Title 63 of the Oklahoma Statutes.

6 E. The designated administrator of a pain management clinic  
7 shall notify the Bureau in writing of the date of termination of  
8 employment within ten (10) calendar days after terminating his or  
9 her employment with a pain management clinic that is required to be  
10 registered pursuant to this act.

11 F. The owners of a pain management clinic are jointly  
12 responsible for ensuring compliance with the following facility and  
13 physical operations requirements:

14 1. A pain management clinic shall be located and operated at a  
15 publicly accessible fixed location and shall:

- 16 a. display a sign that can be viewed by the public that  
17 contains the clinic name, hours of operation, and a  
18 street address,
- 19 b. have a publicly listed telephone number and a  
20 dedicated phone number to send and receive facsimiles,
- 21 c. have a reception and waiting area,
- 22 d. provide a restroom,
- 23 e. have private patient examination rooms,

24

- 1 f. have treatment rooms, if treatment is being provided  
2 to the patients, and  
3 g. display a printed sign located in a conspicuous place  
4 in the waiting room viewable by the public with the  
5 name and contact information of the clinic's  
6 designated administrator and the names of all licensed  
7 prescribers practicing in the clinic; and

8 2. This section shall not be construed to relieve a licensed  
9 prescriber from his or her duty to provide treatment using the  
10 proper equipment and materials as required by the standard of care.

11 G. The designated owner or administrator of a pain management  
12 clinic is responsible for ensuring compliance with infection  
13 prevention and control requirements stipulated by the Occupational  
14 Safety and Health Administration.

15 H. The designated owner or administrator shall establish a  
16 quality assurance program that includes the identification,  
17 investigation, and analysis of the frequency and causes of adverse  
18 incidents to patients. The designated owner or administrator is  
19 responsible for ensuring compliance with the quality assurance  
20 requirements.

21 I. The designated owner or administrator is responsible for  
22 ensuring compliance with the following data collection and reporting  
23 requirements:  
24

1        1. The designated owner or administrator for each pain  
2 management clinic shall report all significant adverse incidents to  
3 the Bureau; and

4        2. The designated owner or administrator shall also report to  
5 the Bureau, in writing, on a quarterly basis the following data:

6            a. the number of new and repeat patients seen and treated  
7                    at the clinic who are prescribed controlled dangerous  
8                    substance medications for the treatment of chronic  
9                    nonmalignant pain,

10           b. the number of patients diagnosed with substance use  
11                    disorder,

12           c. the number of patients discharged due to drug  
13                    diversion, and

14           d. the number of patients treated at the clinic whose  
15                    domicile is located somewhere other than in this  
16                    state. A patient's domicile is the patient's fixed or  
17                    permanent home to which he or she intends to return  
18                    even though he or she may temporarily reside  
19                    elsewhere.

20        J. The data and reports specified in subsection I of this  
21 section shall be accessible to each appropriate licensing board and  
22 to the State Board of Pharmacy.

23        K. Each pain management clinic shall establish a written policy  
24 and administrative process for transferring care of patients

1 diagnosed with a substance use disorder where appropriate for their  
2 continued treatment. Each appropriate licensing board shall issue  
3 guidance on best practices to ensure appropriate referral and  
4 treatment of patients with a substance use disorder.

5 L. Upon referral by the appropriate licensing board, the Bureau  
6 shall investigate suspected instances of drug diversion involving a  
7 pain management clinic. Nothing in this act shall be construed to  
8 restrict the appropriate licensing board from conducting its own  
9 investigation into instances of suspected drug diversion.

10 SECTION 6. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 2-303.4 of Title 63, unless  
12 there is created a duplication in numbering, reads as follows:

13 A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
14 Control may impose an administrative fine on a clinic of up to One  
15 Thousand Dollars (\$1,000.00) per violation for violating the  
16 requirements of this act or the rules promulgated by the Bureau to  
17 enforce this act.

18 B. Each day a violation continues after the date fixed for  
19 termination of the violation as ordered by the Bureau constitutes an  
20 additional, separate, and distinct violation.

21 C. The Bureau may impose a fine and, in the case of an owner-  
22 operated pain management clinic, revoke or deny a pain management  
23 clinic's registration if the clinic's designated owner or  
24

1 administrator knowingly and intentionally misrepresents actions  
2 taken to correct a violation.

3 D. A designated owner or administrator of a pain management  
4 clinic who concurrently operates an unregistered pain management  
5 clinic is subject to an administrative fine of One Thousand Dollars  
6 (\$1,000.00) per day.

7 E. If the owner of a pain management clinic that requires  
8 registration fails to apply to register the clinic upon a change of  
9 ownership and operates the clinic under the new ownership, the owner  
10 is subject to a fine of One Thousand Dollars (\$1,000.00).

11 SECTION 7. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 2-303.5 of Title 63, unless  
13 there is created a duplication in numbering, reads as follows:

14 The Director of the Oklahoma State Bureau of Narcotics and  
15 Dangerous Drugs Control and all appropriate licensing boards shall  
16 promulgate such rules as are necessary to implement the provisions  
17 of this act.

18 SECTION 8. This act shall become effective November 1, 2024.

19  
20 59-2-3539 DC 3/12/2024 10:26:30 AM

21  
22  
23  
24