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February 22, 2024

AS AMENDED

SENATE BILL NO. 1897

By: Standridge of the Senate

and

Kannady of the House

[controlled dangerous substances - pain management
clinics - registration procedures - requirements -
written policy - investigation - penalties - rules -
codification - effective date]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-1111 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in this act:

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

2. "Licensed prescriber" means a prescriber as defined in Section 353.1 of Title 59 of the Oklahoma Statutes other than a veterinarian, who has the authority to prescribe any controlled

1 dangerous substance under Section 2-312 of Title 63 of the Oklahoma
2 Statutes; and

3 3. "Pain management clinic" or "clinic" means any publicly or
4 privately owned facility:

5 a. that engages in significant paid advertising in any
6 medium for any type of pain management services, and

7 b. where in any month over sixty percent (60%) of
8 patients who are not being seen for hospice or
9 palliative care are prescribed opioids,
10 benzodiazepines, barbiturates, or carisoprodol for the
11 treatment of chronic nonmalignant pain.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2-1112 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Each pain management clinic shall register with the Oklahoma
16 State Bureau of Narcotics and Dangerous Drugs Control unless:

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

20 2. The clinic does not prescribe controlled dangerous
21 substances for the treatment of pain;

22 3. The clinic primarily treats hospice or palliative care
23 patients; or
24

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

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

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

16 D. The Bureau shall deny registration to any pain management
17 clinic owned by or with any contractual or employment relationship
18 with a licensed prescriber:

19 1. Whose Drug Enforcement Administration number has ever been
20 revoked;

21 2. Whose application for a license to prescribe, dispense, or
22 administer a controlled substance has been denied for disciplinary
23 action by the appropriate licensing board; or
24

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

7 E. If the Bureau finds that a pain management clinic is owned,
8 directly or indirectly, by a person meeting any criteria listed in
9 subsection D of this section, the Bureau shall revoke the
10 certificate of registration previously issued by the Bureau. As
11 determined by rule, the Bureau may grant an exemption to denying a
12 registration or revoking a previously issued registration if more
13 than five (5) years have elapsed since adjudication. As used in
14 this section, the term "convicted" includes an adjudication of guilt
15 following a plea of guilty or nolo contendere or the forfeiture of a
16 bond when charged with a crime.

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

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

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

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

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

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

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2-1113 of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

18 A. A licensed prescriber shall not be employed or contracted by
19 or otherwise practice in a pain management clinic if the clinic is
20 not licensed by the Oklahoma State Bureau of Narcotics and Dangerous
21 Drugs Control under this act and registered with the Bureau under
22 Section 2-301 et seq. of Title 63 of the Oklahoma Statutes. A
23 licensed prescriber who qualifies to practice in a pain management
24 clinic pursuant to rules adopted by the appropriate licensing board

1 may continue to practice in a pain management clinic as long as the
2 licensed prescriber continues to meet the qualifications prescribed
3 in the rules. A licensed prescriber who violates this subsection is
4 subject to disciplinary 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 substance to a patient at a pain management clinic.

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

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

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

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

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

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

1 g. display a printed sign located in a conspicuous place
2 in the waiting room viewable by the public with the
3 name and contact information of the clinic's
4 designated administrator and the names of all licensed
5 prescribers practicing in the clinic; and

6 2. This section does not excuse a licensed prescriber from
7 providing any treatment or performing any medical duty without the
8 proper equipment and materials as required by the standard of care.
9 This section does not supersede the level of care, skill, or
10 treatment recognized in general law related to health care
11 licensure.

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

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

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

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

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

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

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

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

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

19 J. The data and reports specified in subsection I of this
20 section shall be accessible to each appropriate licensing board.

21 K. Each pain management clinic shall establish a written policy
22 and administrative process for transferring care of patients
23 diagnosed with a substance use disorder where appropriate for their
24 continued treatment. Each appropriate licensing board shall issue

1 guidance on best practices to ensure appropriate referral and
2 treatment of patients with a substance use disorder.

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

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 2-1114 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

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

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

19 C. The Bureau may impose a fine and, in the case of an owner-
20 operated pain management clinic, revoke or deny a pain management
21 clinic's registration if the clinic's owner or designated
22 administrator knowingly and intentionally misrepresents actions
23 taken to correct a violation.

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

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

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 2-1115 of Title 63, unless there
11 is created a duplication in numbering, reads as follows:

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

15 SECTION 6. This act shall become effective November 1, 2024.

16 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
17 February 22, 2024 - DO PASS AS AMENDED
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