

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2148

By: Kannady

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5
6 AS INTRODUCED

7 An Act relating to controlled dangerous substances;
8 defining terms; requiring pain management clinics to
9 register with the Oklahoma Bureau of Narcotics and
10 Dangerous Drugs Control; providing exemptions;
11 stipulating registration procedures; requiring
12 clinics to designate owner or administrator
13 responsible for certain compliance; directing denial
14 of registration for specified reasons; limiting
15 period of suspension; requiring new registration
16 application if clinic changes ownership; specifying
17 responsibilities of licensed prescriber and
18 designated administrator; providing facility and
19 physical operations requirements; stipulating certain
20 infection control requirements; stipulating certain
21 data collection and reporting requirements; requiring
22 establishment of certain written policy; directing
23 certain investigation by Bureau; providing penalties;
24 directing promulgation of rules; providing for
codification; and providing an 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 1. "Chronic nonmalignant pain" means pain unrelated to cancer
2 which persists beyond the usual course of disease or the injury that
3 is the cause of the pain for more than ninety (90) calendar days
4 after surgery;

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

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

- 12 a. that engages in advertising in any medium for any type
13 of pain management services, and
- 14 b. where in any month over fifty percent (50%) of
15 patients who are not being seen for hospice or
16 palliative care are prescribed opioids,
17 benzodiazepines, barbiturates, or carisoprodol for the
18 treatment of chronic nonmalignant pain.

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

22 A. A pain management clinic shall be either:
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1 1. At least fifty-one percent (51%) owned by a physician or
2 physicians licensed by the State Board of Medical Licensure and
3 Supervision or the State Board of Osteopathic Examiners; or

4 2. Owned by a hospital licensed by the State Department of
5 Health.

6 B. Each pain management clinic shall register with the Oklahoma
7 Bureau of Narcotics and Dangerous Drugs Control unless:

8 1. The clinic is affiliated with an accredited medical school
9 at which training is provided for medical students, residents, or
10 fellows;

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

13 3. The clinic primarily treats hospice or palliative care
14 patients; or

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

17 C. Each clinic location shall be registered separately
18 regardless of whether the clinic is operated under the same business
19 name or management as another clinic and each clinic location shall
20 be a permanent, fixed, physical address of operation.

21 D. As a part of registration, a clinic shall designate an owner
22 or administrator who is responsible for ensuring compliance with all
23 requirements related to registration and operation of the clinic
24 under this act. Within ten (10) calendar days after termination of

1 a designated administrator, the clinic shall notify the Bureau of
2 the identity of another designated administrator for that clinic.
3 Failing to have a designated administrator at the location of the
4 registered clinic may be the basis for a summary suspension of the
5 clinic registration certificate as described in this section.

6 E. The Bureau shall deny registration to any pain management
7 clinic owned by or with any contractual or employment relationship
8 with a licensed prescriber:

9 1. Whose Drug Enforcement Administration number has ever been
10 revoked;

11 2. Whose application for a license to prescribe, dispense, or
12 administer a controlled substance has been denied for disciplinary
13 action by the appropriate licensing board; or

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

20 F. If the Bureau finds that a pain management clinic is owned,
21 directly or indirectly, by a person meeting any criteria listed in
22 subsection D of this section, the Bureau shall revoke the
23 certificate of registration previously issued by the Bureau. As
24 determined by rule, the Bureau may grant an exemption to denying a

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

6 G. If the registration of a pain management clinic is revoked
7 or suspended, the designated administrator of the pain management
8 clinic, the owner or lessor of the pain management clinic property,
9 the manager, and the proprietor shall cease to operate the facility
10 as a pain management clinic as of the effective date of the
11 suspension or revocation.

12 H. If a pain management clinic registration is revoked or
13 suspended, the designated administrator of the pain management
14 clinic, the owner or lessor of the clinic property, the manager, or
15 the proprietor is responsible for removing all signs and symbols
16 identifying the premises as a pain management clinic.

17 I. If the clinic's registration is revoked, any person named in
18 the registration documents of the pain management clinic, including
19 persons owning or operating the pain management clinic shall not, as
20 an individual or as a part of a group, apply to operate a pain
21 management clinic for one (1) year after the date the registration
22 is revoked.

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1 J. The period of suspension for the registration of a pain
2 management clinic shall be prescribed by the Bureau but shall not
3 exceed one (1) year.

4 K. A change of ownership or control of a registered pain
5 management clinic shall require submission of a new registration
6 application.

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

10 A. A licensed prescriber shall not be employed or contracted by
11 or otherwise practice in a pain management clinic if the clinic is
12 not licensed by the Oklahoma Bureau of Narcotics and Dangerous Drugs
13 Control under this act and registered with the Bureau under Section
14 2-301 et seq. of Title 63 of the Oklahoma Statutes. A licensed
15 prescriber who qualifies to practice in a pain management clinic
16 pursuant to rules adopted by the appropriate licensing board may
17 continue to practice in a pain management clinic as long as the
18 licensed prescriber continues to meet the qualifications prescribed
19 in the rules. A licensed prescriber who violates this subsection is
20 subject to disciplinary action by the appropriate licensing board,
21 and the Oklahoma Bureau of Narcotics and Dangerous Drugs Control
22 shall report all such violations to the appropriate licensing board
23 within thirty (30) days of such violation.

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

11 C. A licensed prescriber or qualified designee shall perform a
12 physical examination of a patient on the same day that the licensed
13 prescriber prescribes a controlled substance to a patient at a pain
14 management clinic.

15 D. A licensed prescriber authorized to prescribe controlled
16 dangerous substances who practices at a pain management clinic is
17 responsible for maintaining the control and security of his or her
18 prescription blanks and any other method used for prescribing
19 controlled dangerous substance pain medication. The licensed
20 prescriber shall notify, in writing, the Bureau within twenty-four
21 (24) hours following any theft or loss of a prescription blank or
22 breach of any other method for prescribing pain medication. The
23 provisions of this subsection shall not be construed to exempt a
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1 licensed prescriber from any electronic prescription requirements
2 stipulated in Section 2-309 of Title 63 of the Oklahoma Statutes.

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

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

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

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

1 name and contact information of the clinic's
2 designated administrator and the names of all licensed
3 prescribers practicing in the clinic.

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

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

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

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

22 1. The designated administrator for each pain management clinic
23 shall report all significant adverse incidents to the Bureau; and
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1 2. The designated administrator shall also report to the
2 Bureau, in writing, on a quarterly basis the following data:

- 3 a. the number of new and repeat patients seen and treated
4 at the clinic who are prescribed controlled dangerous
5 substance medications for the treatment of chronic,
6 nonmalignant pain,
- 7 b. the number of patients diagnosed with substance use
8 disorder,
- 9 c. the number of patients discharged due to drug
10 diversion, and the number of patients treated at the
11 clinic whose domicile is located somewhere other than
12 in this state. A patient's domicile is the patient's
13 fixed or permanent home to which he or she intends to
14 return even though he or she may temporarily reside
15 elsewhere.

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

18 K. Each pain management clinic shall establish a written policy
19 and administrative process for transferring care of patients
20 diagnosed with a substance use disorder where appropriate for their
21 continued treatment. Each appropriate licensing board shall issue
22 guidance on best practices to ensure appropriate referral and
23 treatment of patients with a substance use disorder.

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

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

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

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

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

21 D. An owner or designated administrator of a pain management
22 clinic who concurrently operates an unregistered pain management
23 clinic is subject to an administrative fine of One Thousand Dollars
24 (\$1,000.00) per day.

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

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

8 The Oklahoma Bureau of Narcotics and Dangerous Drugs and all
9 appropriate licensing boards shall promulgate such rules as are
10 necessary to implement the provisions of this act.

11 SECTION 6. This act shall become effective November 1, 2025.

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