

Rule Changes Effective March 15, 2016

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CHAPTER 195. PAIN MANAGEMENT CLINICS

§195.1, Definitions

The amendment to 195.1, relating to Definitions, is adopted in accordance with SB 1235, enacted by the 84th Texas Legislature. The amendment adds new paragraph (4), inserting the definition of "Operator" from SB 1235. This addition was to insure consistency between the rule and statute.

§195.2, Certification of Pain Management Clinics

The amendment to 195.2(a)(5), relating to Certification of Pain Management Clinics, is adopted in accordance with SB 1235, enacted by the 84th Texas Legislature. This amendment adds new subparagraph (C), stating violations of §§195 et al. and Chapter 168 of the Texas Occupations Code are subject to criminal prosecution, to be consistent with a similar provision in SB 1235. The amendment further adds language to §195.2(f) so that the practice of medicine includes but is not limited to all supervision and delegation activities related to the pain management clinic. The amendments to §195.2 are added to achieve consistency with SB 1235.

CHAPTER 198. STANDARDS FOR USE OF INVESTIGATIONAL AGENTS

§198.1, Purpose

The amendment to 198.1, relating to Purpose, is adopted in accordance with House Bills 177 and 21, enacted by the 84th Texas Legislature. The amendment to 198.1 adds language stating that specific requirements set forth under new 198.4 are applicable only to terminal patients being treated with investigational agents.

§198.3, Practice Guidelines for the Use of Investigational Agents

The amendment to 198.3, relating to Practice Guidelines for the Use of Investigational Agents, is adopted in accordance with House Bills 177 and 21, enacted by the 84th Texas Legislature. The amendment to 198.3 replaces the term "protocol" with the term "clinical trial." This was to insure consistency between the language in HB 177 and the rule.

§198.4, Use of Investigational Agents for Patients with Terminal Illness

The amendment to 198.4, relating to Use of Investigational Agents for Patients with Terminal Illness, is adopted in accordance with House Bills 177 and 21, enacted by the 84th Texas Legislature. The language in new 198.4 reflects the requirements of HB 21 and makes clear that new 198.4 is limited to use of investigational agents by terminal patients

CHAPTER 200. STANDARDS FOR PHYSICIANS PRACTICING COMPLEMENTARY AND ALTERNATIVE MEDICINE

§200.3(7), Practice Guidelines for the Provision of Complementary and Alternative Medicine

The amendments to 200.3(7), relating to Practice Guidelines for the Provision of Complementary and Alternative Medicine, revise the language under subparagraphs (A) - (C) so that the outlined ethical standards relating to physicians using conventional medical practices or complementary and alternative

medicine treatment while engaged in the clinical investigation of new drugs and procedures are mandatory rather than discretionary. The changes are adopted to make consistent with other language in the introductory paragraph of the section making such ethical standards mandatory.