

Rule Changes Effective January 23, 2014

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[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=3&ti=22&pt=9](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=3&ti=22&pt=9)

CHAPTER 195. PAIN MANAGEMENT CLINICS

22 TAC §195.2

The amendments change the heading to subsection (a)(5) to read “Disciplinary Action.” The amendments further create new subparagraphs (A) and (B) under subsection (a)(5). Subparagraph (A) provides that a violation of Chapter 168 of the Texas Occupations Code (the Act) or rules regarding a pain management clinic’s eligibility, operation, or involvement in dispensing, administering, or non-therapeutic prescribing is grounds for the Board to take disciplinary action against a clinic, or owner or operator of a clinic, and that such disciplinary action may include the temporary suspension or restriction of a pain management clinic’s certificate, owner or operator’s license, or both, in accordance with Section 168.202, as amended by SB 1643, which passed during the 83rd Regular Session. Under subparagraph (B), language is added clarifying that any temporary suspension or restriction hearing for a pain management clinic or for a licensee must be held pursuant to the procedures of Chapter 187, Subchapter F of Title 22 of the Texas Administrative Code, in accordance with Section 168.202 of the Act, as amended by SB 1643. Additionally, language is added providing that evidence of a continuing threat to public health and welfare may include evidence that the owner or operator of a pain management clinic is in violation of statutes or rules regarding the clinic’s eligibility, operation, or involvement in dispensing, administering, or prescribing medications in a nontherapeutic manner in addition to, or alternative to evidence that the clinic is in violation of such law, in accordance with Section 168.202, as amended by SB 1643. Further, subsection (f) is amended clarifying that a person who operates in addition to owning a pain management clinic is engaged in the practice of medicine, in accordance with HB 1803, which amended Section 168.201 of the Act. Further amendments are related to rules concerning pending investigations of applicants for pain management certificates in accordance with SB 1643’s amendment of Section 168.102 of the Act, and provisions providing the voluntary and mandatory cancellation and voluntary surrender of pain management certificates, as set out in new subsections (h)-(i).

22 TAC §195.4

The amendments add language so that the rules relating to exemptions more strictly comport with SB 1803 (83rd Reg. Session), which clarified existing exemptions to pain management clinic registration under Chapter 168 of the Act. Further amendments are related to CME completion required as part of a practice quality plan.

CHAPTER 192. OFFICE BASED ANESTHESIA

22 TAC §192.2

The amendment revises language in subsection (b)(1) providing that rules under Chapter 192 do not apply to outpatient settings in which only local anesthesia, peripheral nerve blocks, or both are used in a total dosage amount that does not exceed 50 percent of the recommended maximum safe dosage per outpatient visit, in accordance with SB 978 (83rd Reg. Session). Additionally, new subsection (b)(9) is added, providing that the rules under Chapter 192 do not apply to the performance of Mohs micrographic surgery.