

## **BILL ANALYSIS**

S.B. 315  
By: Hinojosa  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that the Sunset Advisory Commission indicated as part of its review of the Texas Medical Board a need to clarify the board's subpoena power and the board's authority to regulate pain management clinics. S.B. 315 seeks to provide that clarity.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Medical Board in SECTION 4 of this bill.

### **ANALYSIS**

S.B. 315 amends the Occupations Code to authorize the Texas Medical Board, acting through the attorney general, to file suit to enforce a subpoena issued by the board in a district court in Travis County or in a county in which a hearing conducted by the board may be held if a person failed to comply with the subpoena. The bill requires the court, on finding that good cause exists for issuing the subpoena, to order the person to comply with the subpoena. The bill establishes legislative findings relating to the regulation of the prescribing of opioids and other controlled substances. The bill specifies that the pain management clinics the board may inspect as necessary to ensure compliance with certain regulations are certified clinics but authorizes the board to inspect a clinic or facility that is not certified to determine whether the clinic or facility is required to be certified. The bill requires the board by rule to establish the grounds for conducting such an inspection, including certain specified grounds. The bill establishes that, for purposes of regulating persons affiliated with a pain management clinic, inappropriate prescribing includes nontherapeutic prescribing or other conduct as specified by board rule.

### **EFFECTIVE DATE**

September 1, 2017.