

- SUBJECT:** Extending, changing controlled substance registration for physicians
- COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended
- VOTE:** 9 ayes — Pickett, Fletcher, Cortez, Dale, Flynn, Kleinschmidt, Lavender, Sheets, Simmons
- 0 nays
- WITNESSES:** For — Richard Benedikt and Dan Finch, Texas Medical Association; (*Registered, but did not testify:* Jennifer Banda, Texas Hospital Association; Trish Conradt, Coalition for Nurses in Advanced Practice; Thomas Kleinworth, Baylor College of Medicine)
- Against — None
- On — RenEarl Bowie, Texas Department of Public Safety; Mari Robinson, Texas Medical Board
- BACKGROUND:** Health and Safety Code, ch. 481, is the Texas Controlled Substances Act. It defines “director” as the director of the Department of Public Safety (DPS). It requires a controlled substances registration (CSR) permit to manufacture, distribute, prescribe, possess, analyze, or dispense a controlled substance, and mandates a CSR permit be renewed annually with DPS. It specifies who is eligible for a CSR permit and when an applicant must be denied a permit.
- Occupations Code, Title 3, subtitle B is the Medical Practice Act. It defines “physician” as a person licensed to practice medicine in this state and “board” as the Texas Medical Board. Occupations Code, ch. 156, requires that a physician register every two years with the board.
- DIGEST:** CSHB 1803 would require that a physician’s CSR permit be valid for at least two years and expire on the same date as the physician’s registration permit issued by the Texas Medical Board. The DPS director could not require a licensed physician to maintain a separate CSR permit.

Permit renewal. The board would need to synchronize the renewal of a

physician's CSR permit with his or her physician registration permit, so that registration dates, payments, notices, and applicable grace periods were the same and minimized administrative burdens to the board and physicians.

A physician meeting all eligibility requirements could renew his or her CSR permit with the board by providing the necessary information and fee, and the board would have to allow the physician to do this electronically. The board would have to accept CSR permit renewal applications and fees from licensed physicians and by rule adopt a procedure for submitting these applications and fees to DPS. The DPS director could charge up to a \$50 nonrefundable registration fee and a late fee for applications submitted after the 30-day grace period. The DPS director would have to adopt rules to implement these registration procedures and coordinate with the board to avoid rule conflicts and minimize the administrative burden to physicians.

Renewal notices. At least 60 days before a physician's registration permit expires, the board would have to send renewal notices for both CSR and physician registration permits. The DPS would still be required to send a CSR permit expiration notices to physicians until January 1, 2016. After that date, the DPS director would not be required to send an expiration notice to a physician already receiving a notice from the board.

Effective dates. If a physician's CSR permit was valid on January 1, 2014, it would expire on the same date as the physician's registration permit.

The bill would also include a temporary provision, set to expire on January 1, 2017, stating that a CSR permit in effect on January 1, 2014 would not expire before a physician's registration permit. This bill would only apply to physician CSR permits that expire on or after the effective date.

This bill would take effect January 1, 2014.

**SUPPORTERS
SAY:**

CSHB 1803 would streamline the CSR permit process for physicians. Currently, physicians must register with DPS for their CSR permit and the Texas Medical Board for their physician registration permit. These permits are valid for different lengths of time and may expire on different dates. This creates confusion and occasionally results in lapsed CSR permits, preventing a physician from prescribing many medications. This can

substantially disrupt a physician's practice and interfere with patient care. By establishing a single permit renewal process under the board, CSHB 1803 would create a simple, efficient system for physicians and state agencies, while reducing disruptions to patient care.

By limiting the CSR permit renewal extension to physicians, CSHB 1803 would allow the DPS to address any logistical issues before expanding the two-year renewal process to all permit-holders.

OPPONENTS
SAY:

CSHB 1803 would allow physicians to renew their CSR permits every two years, while still requiring annual renewal for other permit holders. To promote uniformity, this bill should allow all CSR permits to be renewed every two years.

NOTES:

Compared to the introduced bill, the committee substitute would:

- specify that a CSR permit was valid for at least two years and, after the effective date, a CSR permit did not expire before a physician registration permit;
- require DPS to continue sending renewal notices to physicians until January 1, 2016;
- allow DPS to charge up to a \$50 nonrefundable registration fee and a late fee;
- requires the board accept electronic CSR permit renewal applications;
- require the board to synchronize the renewal of a physician's CSR permit with their physician registration permit;
- require the board send a renewal notice 60 days before a physician registration permit expired;
- require the DPS director to coordinate with the board to avoid rule conflicts and reduce administrative burdens on physicians; and
- make conforming amendments.

The Legislative Budget Board estimates that CSHB 1803 would have no net fiscal impact to the state. While one-time computer programming needs at the board are projected to cost the state \$126,000 in general revenue funds in fiscal 2014, this expense would be offset by revenue from registration and late fees.