

SUBJECT: Extending controlled substance registration, requiring electronic system

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — Kolkhorst, Naishtat, Coleman, Cortez, S. Davis, Guerra, S. King, Laubenberg, J.D. Sheffield, Zedler

0 nays

1 absent — Collier

WITNESSES: For — Charles Bailey, Texas Hospital Association; John Blewett, Capitol Emergency Associates; Elizabeth Choate, Texas Veterinary Medical Association; Jeff Jekot, Austin Anesthesiology Group, Mednax, Texas Society of Anesthesiologists, and Texas Medical Association; Kenneth Mitchell, St. David's HealthCare/St. David's North Austin Medical Center; (*Registered, but did not testify:* Troy Alexander, Texas Medical Association; Jess Calvert, Texas Dental Association; Trish Conradt, Coalition for Nurses in Advanced Practice; Marisa Finley, Scott & White Center for Healthcare Policy; Kandice Sanaie, Texas Association of Business; Maxine Tomlinson, Texas New Mexico Hospice Organization; David Williams, Texas Nurse Practitioners)

Against — None

On — Sherrie Zgabay, Texas Department of Public Safety

BACKGROUND: Health and Safety Code, ch. 481, is the Texas Controlled Substances Act. It requires a controlled substances registration permit to manufacture, distribute, prescribe, possess, analyze, or dispense a controlled substance, and registration must be renewed annually with the Department of Public Safety. The department requires a \$25 initial registration fee. At least 60 days before a registration expires, the director must send a renewal notice to registrant's last known address.

DIGEST: CSHB 453 would allow a controlled substance registration to be renewed every three years. The bill would require the Department of Public Safety to implement an electronic registration program that allowed online submission of registration renewal applications and fees. The department

director would have to adopt rules necessary to implement these changes.

The bill would authorize the director to charge an initial and renewal registration fee of \$75. At least 90 days before a registration expired, the director would have to send renewal notices by mail or email, if the registrant has expressed a preference for electronic notices.

This bill would apply to initial applications submitted on or after September 1, 2014 and renewal applications that expired on or after the same date.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

CSHB 453 would streamline the controlled substances registration process and reduce administrative burdens on the Department of Public Safety. It takes a significant amount of time to renew a registration, and processing delays occasionally result in lapsed licenses. By extending controlled substance licenses and requiring an electronic renewal process, CSHB 453 would create a simple, efficient system that would reduce the number of expired licenses.

The three-year extension would be appropriate. Since U.S. Drug Enforcement Agency officials renew their controlled substance license every three years, this bill would promote uniformity between state and federal laws.

**OPPONENTS
SAY:**

CSHB 453 would be unnecessary because the current renewal process is adequate. Moreover, three years is too long an extension for these types of licenses.

NOTES:

CSHB 453 bill would have a positive fiscal impact of \$3.1 million in general revenue funds through the 2015 fiscal year from an increase in the initial controlled substances registration fee.