

## **BILL ANALYSIS**

Senate Research Center  
76R8402 PEP-F

S.B. 1235  
By: Nelson  
Health Services  
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As Filed

### **DIGEST**

Currently, Texas physicians licensed to practice in the state have a Federal Drug Enforcement Administration (DEA) number. The sole purpose for these numbers, according to the DEA, is to provide certification of registration in transactions involving controlled substances. Insurance companies are currently requiring these numbers for the purpose of reimbursement under insurance plans. The DEA does not endorse this type of use but does not have the available manpower to enforce compliance. S.B. 1235 prohibits anyone in this state, including any individual regulated by the Texas Department of Insurance, from using a practitioner's DEA number for any purpose other than a purpose described by a federal law.

### **PURPOSE**

As proposed, S.B. 1235 regulates the use of a medical practitioner's Federal Drug Enforcement Administration number, creates an offense.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the director of the Texas Department of Public Safety in SECTION 1 (Section 481.003(a), Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 481.003, Health and Safety Code, to require the director of the Department of Public Safety (DPS), by rule, to prohibit a person in this state, including a person regulated by the Texas Department of Insurance, under the Insurance Code or the other insurance laws of this state, from using a practitioner's Federal Drug Enforcement Administration number for a purpose other than a purpose described by federal law or by this chapter. Provides that a person who violates a rule adopted under this subsection commits a Class C misdemeanor.

SECTION 2. Requires the director of DPS to adopt rules required by Section 481.003, Health and Safety Code, not later than January 1, 2000.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.