

## **BILL ANALYSIS**

Senate Research Center

S.B. 1235  
By: Whitmire  
Criminal Justice  
6/1/2015  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1235 address the continuing problems associated with the prosecution of "pill mills," which supply prescription substances that are illegally diverted to be sold as street drugs. Currently, the law defines those subject to these investigations as the owner or operator of a pain management clinic. S.B. 1235 expands this to include individuals who are medical directors or physicians who are affiliated or associated with the pain management clinic in any capacity. This is necessary as the named owners or operators often distance themselves from these clinics by using other individuals to actually perform the distribution of the controlled substance.

In addition, a violation of Section 168.202, Occupations Code, which governs the operations of these clinics, is moved to Section 165.152, Occupations Code, which changes the violation from a misdemeanor to a third degree felony.

S.B. 1235 amends current law relating to defining the duties and to the penalties concerning pain management clinics.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 168.001, Occupations Code, as follows:

Sec. 168.001. New heading: DEFINITIONS. Defines "pain management clinic" and "operator."

SECTION 2. Amends Section 168.201(d), Occupations Code, as follows:

(d) Provides that a person who owns or operates a pain management clinic is engaged in the practice of medicine. Requires that this include, but is not limited to, all supervision and delegation activities related to the pain management clinic.

SECTION 3. Amends Section 168.202(c), Occupations Code, to provide that a violation of this chapter is subject to criminal prosecution under Section 165.152 (Practicing Medicine in Violation of Subtitle), Occupations Code.

SECTION 4. Effective date: September 1, 2015.