

FISCAL NOTE

June 5, 2019

Bill No:	HB 1214	Printer's No:	1816	Sponsor:	Struzzi
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COST / (SAVINGS)

Fund (s)	2018-19	2019-20
	\$0	See "FISCAL IMPACT"

SUMMARY: This bill would amend the Health Care Facilities Act to provide for the registration, inspection and regulation of pain management clinics in the commonwealth.

ANALYSIS: House Bill 1214 would require each pain management clinic to register and maintain a valid registration with the Department of Health (DOH) within 30 days of meeting the definition of a pain management clinic under this act. "Pain management clinic" is defined as a facility that advertises any type of pain service and where, in a calendar month, a majority of patients of the prescribers at the facility are provided treatment for pain, including the use of controlled substances. The following facilities would be excluded from the "pain management clinic" under this act:

- A general, chronic disease or other type of hospital;
- A home health care agency;
- A health care agency;
- A hospice;
- A long-term care nursing facility;
- A cancer treatment center using radiation therapy on an ambulatory basis;
- An ambulatory surgical facility;
- A birth center regardless of whether such health care facility is operated for profit;
- A nonprofit; or
- By an agency of the Commonwealth or local government.

Additionally, each pain management clinic location would be required to register separately and any change in clinic ownership would require a new registration application. DOH would be required to establish a registration and renewal fee, which must be paid upon change of the physical location or change of ownership. Each registration would be valid for one year. DOH would have the ability to deny, revoke or not renew a pain management clinic registration.

The bill requires that the medical director at each pain management clinic is responsible for submitting to the department on a quarterly basis, the number of new and repeat patients seen and treated who are prescribed controlled substance medications for the treatment of chronic, nonmalignant pain.

At a minimum, DOH would be required to promulgate rules that are extensively outlined in the bill.

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Finally, DOH would be required to assess an annual inspection fee for each location subject to inspection. DOH would also be required to conduct at least one annual announced and one annual unannounced inspection of the clinics. Any violation of this act, would subject the pain management clinic to sanctions, including suspension, revocation and non-renewal. Civil penalties no greater than \$500.00 per day may be imposed and criminal penalties for the first, second and subsequent offenses may also be imposed.

This act would be effective 60 days upon passage.

FISCAL IMPACT: It is anticipated that the department would incur a cost of more than \$1 million to administer the program. In addition, 10 new positions are anticipated, and costs include operating, salary and benefits. Finally, this bill allows the department to set registration fees, which would amount to approximately \$250.00 annually.