

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 38, Page
2 10, Section 197.130, Line 28, by inserting after all of said line the following:

3
4 "197.600. 1. For purposes of this section, the term "pain management clinic" shall mean a
5 privately owned clinic, facility, or office in which health care providers provide chronic
6 nonmalignant pain treatment through pharmacotherapy to a majority of its patients for ninety days or
7 more in a twelve-month period or a privately owned clinic, facility, or office which advertises in any
8 medium for chronic pain management services through pharmacotherapy. Chronic nonmalignant
9 pain treatment through pharmacotherapy shall not include, and shall not be construed to include,
10 surgical or obstetrical anesthesia services, postoperative pain control, or interventional pain
11 management procedures and techniques. For purposes of determining if a clinic, facility, or office
12 qualifies as a pain management clinic under this section, the entire clinic, facility, or office caseload
13 of patients who received health care services from all physicians, advanced practice registered
14 nurses, physician assistants, and assistant physicians who serve in the clinic, facility, or office shall
15 be counted.

16 2. No owner or employee of a pain management clinic shall have previously been denied or
17 had a restricted license to prescribe, dispense, administer, supply, or sell a controlled substance or
18 been subject to disciplinary action by any licensing entity for conduct that was a result of
19 inappropriately prescribing, dispensing, administering, supplying, or selling a controlled substance.

20 3. No pain management clinic as defined in this section shall operate in the state unless it has
21 been issued a pain management clinic certificate by the department of health and senior services after
22 a determination that the clinic meets the requirements of this section and any other requirements the
23 department may require by regulation. Any pain management clinic operating on the effective date
24 of this section shall have one hundred and eighty days to obtain a certificate from the department
25 following the promulgation of rules and regulations.

26 4. The department of health and senior services shall promulgate rules and regulations to
27 implement the provisions of this section pertaining to the operation and licensure of pain
28 management clinics. Such rules and regulations shall include, but not be limited to:

- 29 (1) The certification process and any required fees;
30 (2) Required hours of operation;
31 (3) Required licenses of staff and staffing levels;
32 (4) Record keeping and patient chart requirements;
33 (5) A requirement to participate in any prescription drug monitoring program in Missouri.

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35 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
36 authority delegated in this section shall become effective only if it complies with and is subject to all

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1 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
2 nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to
3 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
4 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
5 August 28, 2015, shall be invalid and void."; and
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7 Further amend said bill, Page 41, Section 376.685, Line 36, by inserting immediately after all of said
8 section and line the following:
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10 " Section 1. Certified music therapists who have completed the education and clinical
11 training requirements established by the American Music Therapy Association and have passed the
12 Certification Board for Music Therapists certification examination shall be deemed as licensed by
13 the department of elementary and secondary education for the purposes of providing services to the
14 first steps program under sections 160.900 to 160.925."; and
15

16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.