

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1157 - SB 1266

March 16, 2015

**SUMMARY OF BILL:** Adds new definitions and makes changes to certification requirements for pain management clinics under the *Pain Management Clinic Act*. Defines a pain management specialist as a licensed physician who holds continuing medical education (CME) and certification from the American Board of Medical Specialists (ABMS) or the American Osteopathic Association (AOA) or hold diplomate status by July 1, 2016, from the American Board of Pain Medicine (ABPM). Any exceptions to a pain management specialist certification must be approved by the appropriate regulatory board for pain management specialists. Current pain management specialists who are qualified to take the ABPM exam may continue to practice as a pain management specialist until July 1, 2016, when diplomate status will be required.

Defines a certificate holder as a licensed medical doctor, osteopathic physician, advanced practice nurse, or physician assistant who practices in this state with an unrestricted, unencumbered license. Requires a pain management clinics be owned by at least one certificate holder. Certificates can only be awarded to a qualified certificate holder. A certificate must show proof that the clinic has a medical director who is a certified pain management specialist as defined by the ABMS; or who meets the requirement of the ABPM and is qualified to take the ABPM examination. A medical director can continue to practice as a pain management specialist until July 1, 2016, when diplomate status will be required. Defines a medical director as an individual who is a licensed physician; provides oversight relative to operations of a pain management clinic; and is a pain management specialist.

Increases, from 20 percent to 50 percent, the required percentage of weekly operating hours that a medical director of a pain management clinic must be on site at the clinic. This legislation has an effective date of July 1, 2015.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Current rules of the Division of Pain Management Clinics defines a “certificate holder” as a person who holds a certificate as a pain management clinic and is the sole owner or one of the owners of the clinic.
- The definition of certificate holder, as provided in this legislation, prevents chiropractors and out-of-state physicians from the ability to become certificate holders; however, a

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chiropractor or out-of-state physician could still own the majority in a pain management clinic in conjunction with a qualified certificate holder.

- According to the Department of Health (DOH) website, there are over 500 pain management clinics registered within the state.
- Based on information provided by DOH, there are currently 4 active pain management certificates held solely by chiropractors, and 10 clinics that have at least partial out-of-state ownership.
- This legislation requires at least one owner of a pain management clinic be a certificate holder.
- Each of these 14 pain management clinics will be required, by July 1, 2015, to ensure that there is a qualified certificate holder, which at least partially owns the clinic. It is assumed that these pain clinics will work to ensure that a qualified certificate holder at least partially owns the clinic for the purpose of complying with this legislation.
- This legislation does not create or change any existing fees relative to pain management clinics.
- DOH can make any changes to existing Division Rules during regular work hours, without additional cost.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

/jdb