



NEW OHIO PAIN MANAGEMENT CLINIC LEGISLATION

The legislature passed and the Governor signed into law on May 20, 2011 Amended Substitute House Bill No. 93, which significantly changes regulation and management of “pain management clinics” in the state of Ohio. This legislation was introduced in response to significant problems in Scioto County and what the legislature believed was an increase in the number of “pill mills.”

Under the statute, “pain management clinics” are now defined to be any medical practice where the majority of patients are being treated for pain or chronic pain. The statute expands the power of the State Board of Pharmacy to license pain management clinics and to require them to obtain a license as a terminal distributor of dangerous drugs.

The statute further requires the State Medical Board to develop rules establishing standards for physicians who operate pain management clinics. The State Medical Board has issued a proposed set of rules which are subject to public hearing and comment. The proposed rules require that pain management clinics must be owned by licensed physicians and prohibits ownership by non-physicians. The rules further require that any physician who operates a pain management clinic must be either board eligible or board certified in pain management, hospice and palliative medicine, or interventional pain.

The proposed regulations further require that pain management clinics maintain a daily sign-in log that requires every patient to sign the log at the time of their visit. Further, all physicians operating a pain management clinic are required to hold current staff membership at a local hospital. The rules exempt from the definition hospitals, educational facilities such as colleges and universities, licensed hospice programs, or licensed ambulatory surgical centers. The proposed regulations further expands the elements that are in the current regulations dealing with standards of care for treating intractable pain.

The statute provides that if the pain management clinic actually disburses medications to patients, there is a limitation on the amount of dosage units that can be prescribed by the physician in a 30-day period or a 72-hour period.

All employees of a pain management clinic are required to go through criminal background checks and the legislation proposes a requirement to participate in the OARRS program.

Finally, the statute imposes a significantly higher series of fines for any violations or being out of compliance of any of the requirements.



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The Pharmacy Board has indicated it will give providers 30 days to meet the license application requirement, which would be due then on June 20, 2011. The State Medical Board proposed regulations will not go into effect until after public hearing and comment, but they anticipate the rules being finalized by mid-summer.

If your practice includes a significant amount of patients with chronic pain, we emphasize there is a very short period of time to achieve compliance and expect the Boards to take aggressive enforcement positions.



If you have any questions or more would like more information, please contact Scott Sandrock at 330.253.4367 or spsandrock@bmdllc.com.