

## Certified Pain Management Clinics

Recently, the Texas Medical Board (TMB) and Texas State Board of Pharmacy have received numerous questions regarding the certification of pain management clinics. Some pharmacists assume that after September 1, 2010, a physician must be certified before prescribing pain management drugs. **This is NOT the case.**

Pharmacists are required to assess each individual prescription and determine if it has been issued for a legitimate medical purpose. The fact that a physician who issues the prescription works in a certified pain management clinic does not automatically make the prescription valid or relieve a pharmacist of the responsibility to determine that the prescription is valid and has been issued for a legitimate medical purpose. The requirements for the certification of pain management clinics are as follows:

A pain management clinic is defined in [§167.001 of the Texas Medical Practices Act](#) as a publicly or privately owned facility for which a majority of patients are issued on a monthly basis, prescriptions for opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone.

The physician owner/operator of a pain management clinic must register with the TMB. Certificates are not transferable or assignable. Only the primary physician owner is required to register with the board if there is more than one physician owner of the clinic. Each clinic requires a separate certificate.

A pain management clinic may not operate in Texas unless the clinic is owned and operated by a medical director who:

- is a physician who practices in Texas
- has an unrestricted medical license
- holds a certificate of registration for that pain management clinic

The following entities are **EXEMPT** from certification as pain management clinics:

- a medical or dental school or an outpatient clinic associated with a medical or dental school;
- a hospital, including any outpatient facility or clinic of a hospital;
- a hospice established under 40 TAC §97.403 (relating to Standards Specific to Agencies Licensed to Provide Hospice Services) or defined by 42 CFR §418.3;
- a facility maintained or operated by this state;
- a clinic maintained or operated by the United States;
- a nonprofit health organization certified by the board under Chapter 177 of this title (relating to Certification of Non-Profit Health Organizations);
- a clinic owned or operated by a physician who treats patients within the physician's area of specialty who uses other forms or treatment, including surgery, with the issuance of a prescription for a majority of the patients; or
- a clinic owned or operated by an advanced practice nurse licensed in this state who treats patients in the nurse's area of specialty and uses other forms of treatment with the issuance of a prescription for a majority of the patients.

The medical director of a pain management clinic must operate the clinic in compliance with Drug Prevention and Control Act, 21 U.S.C.A. 801 et.seq. and the Texas Controlled Substances Act, Chapter 481 of the Texas Health and Safety Code, relating to the prescribing and dispensing of controlled substances.

The Texas Medical Board maintains a current list of certified pain management clinics at the following link: <http://www.tmb.state.tx.us/page/pain-management-clinics-with-disciplinary-action>