APRIL 3, 2014 - ITEMS OFF-THE-FLOOR

1. Ordinance amending the St. Tammany Parish Code of Ordinances, Chapter 11 Health and Sanitation, Article I in general, to enact new Section 11-001.01 Pain Management Clinics, and to provide definitions and regulations with respect thereto. (Binder)

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: OTF #1 ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. BINDER PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: _____ SECONDED BY: _____

ON THE 3 DAY OF APRIL , 2014

ORDINANCE AMENDING THE ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 11 HEALTH AND SANITATION, ARTICLE I IN GENERAL, TO ENACT NEW SEC. 11-001.01 PAIN MANAGEMENT CLINICS, AND TO PROVIDE DEFINITIONS AND REGULATIONS WITH RESPECT THERETO.

WHEREAS, the Louisiana Legislature has identified and addressed concerns regarding the increased use and frequency of injury and deaths occurring through use of pain management clinics by persons obtaining prescription drugs for improper purposes through the enactment of La.R.S. 40:2198.11-13, which requires physicians and other persons dispensing prescription drugs through pain management clinics, facilities or offices, to register with the Louisiana Department of Health and Hospitals in order to conduct such business, and through "Pain Management Clinic Drug Abuse and Overdose Prevention Act", La. R.S. 40:971.2, et seq., and the "Prescription Monitoring Program Act", R.S. 40:1001-1014; and

WHEREAS, as authorized by R.S. 40:2198.11-13, the Department of Health and Hospitals has adopted LAC 48:I.Chapter 78, prescribing therein the minimum standards, rules, and regulations as necessary to effectuate the provisions of this Section 2198.11-13; and

WHEREAS, pursuant to Section 2198.11-13, a Pain Management Clinic or "Clinic", defined as a publicly or privately owned facility which primarily engages in the treatment of pain by prescribing narcotic medications, is required to submit an application for a license from the Department of Health and Hospitals, which application must include a zoning approval from local governmental authorities (See LAC 48:I.Chapter 78, Section 7813). Further, if the pain management clinic was in operation on or before June 15, 2005, proof of operation as an urgent care facility shall be provided in the form of an occupational license or certificate of operation issued by local governmental authorities, in addition to verifying information that indicates the facility held itself out to the public as an urgent care facility; and

WHEREAS, it is necessary to provide local regulations of pain management clinics that are consistent with R.S. 40:2198.11-13 and the minimum standards, rules, and regulations adopted by the Department of Health and Hospitals (LAC 48:I.Chapter 78), and to protect the health, safety and welfare of the residents of St. Tammany Parish.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Article I of Chapter 11 of the St. Tammany Parish Code of Ordinances is hereby amended to create new Sec. 11-001.01 PAIN MANAGEMENT CLINICS and the regulations applicable thereto, all as more particularly provided for immediately hereinafter, to-wit:

CHAPTER 11 HEALTH, SANITATION

ARTICLE I IN GENERAL

SEC. Sec. 11-001.01 PAIN MANAGEMENT CLINICS

A. As used in this Part, the following definitions shall apply unless the content clearly states otherwise:

(1) "Department" means the Department of Health and Hospitals.

(2) "Pain management clinic" means a publicly or privately owned facility which primarily engages in the treatment of pain by prescribing narcotic medications.

(3) "Primarily Engaged" means the majority of patients, 51 percent or more of the patients seen on any day a clinic is in operation, are issued a narcotic prescription for the treatment of chronic non-malignant pain. A physician who in the course of his practice, treats patients with chronic pain, shall not be considered primarily engaged in the treatment of chronic non-malignant pain by prescribing narcotic medications provided that the physician:

a. treats patients within their areas of specialty and who utilizes other treatment modalities in conjunction with narcotic medications;

b. is certified by a member board of the American Board of Medical Specialties, or is eligible for certification based upon his completion of an ACGME (Accreditation Council for Graduate Medical Education) certified residency training program; and

c. currently holds medical staff privileges that are in good standing at a hospital in this state.

(4) A pain management clinic operating on or before June 15, 2005, means a pain management clinic operating pursuant to an occupational license or certificate of operation which has not been suspended or revoked.

B. A pain management clinic shall be required to obtain an occupational license in accordance with the St. Tammany Parish License Tax regulations and as provided as follows:

(1) A zoning approval verification must be obtained. For the purpose of obtaining zoning approval verification, a pain management clinic that is required to be licensed by the department, shall submit a copy of the filed application to the St. Tammany Parish Department of Development prior to applying for an occupational license with the St. Tammany Parish Tax Collector.

(2) The required zoning approval verification shall be submitted to the St. Tammany Parish Tax Collector with the department's license application and occupational license application.

(3) Following the issuance of a pain management clinic license by the Department of Health and Hospitals, the license holder shall file a copy of the license with the St. Tammany Parish Tax Collector prior to commencing operations as a pain management clinic.

C. It shall be unlawful for any pain management clinic to be operated without a valid occupational license.

D. A valid occupational license and certificate of occupancy must be kept on file in the pain management clinic.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1 DAY OF MAY , 2014 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

_____
R. REID FALCONER, AIA, COUNCIL CHAIRMAN

ATTEST:

_____
THERESA L. FORD, COUNCIL CLERK

_____
PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: _____, 2014

Published Adoption: _____, 2014

Delivered to Parish President: _____, 2014 at _____

Returned to Council Clerk: _____, 2014 at _____

OFF THE FLOOR ITEM # 1

ADMINISTRATIVE COMMENT - OFF-THE-FLOOR #1

It is necessary for this Ordinance to be heard Off-the-Floor Agenda on April 3, 2014 because the moratorium in effect which regulates Pain Management Clinics will expire May 2, 2014. Therefore, this Ordinance needs to be introduced Off-the-Floor, so it may be adopted at the May 1, 2014, preventing a gap in the regulation of Pain Management Clinics.