

RESOLUTION NO. 15-12-566

A RESOLUTION AMENDING THE "ZONING RESOLUTION OF ANDERSON COUNTY, TENNESSEE" BY REVISING SECTION 030.010, TO INCLUDE PAIN MANAGEMENT CLINICS AS A USE UPON REVIEW.

WHEREAS, the Anderson County Board of Commissioners, in accordance with Section 13-7-105 of Tennessee Code Annotated, may from time to time amend the zoning resolution and associated maps; and

WHEREAS, the Anderson County Regional Planning Commission and the Clinton Municipal/Regional Planning Commission have reviewed and made recommendations regarding the proposed amendment of the "Zoning Resolution of Anderson County, Tennessee", in accordance with Section 13-7-105(a) of the Tennessee Code Annotated; and

WHEREAS, Anderson County has recently become aware that a pattern of illegal drug use and distribution in other areas has been associated with some of these types of clinics that dispense drugs; and

WHEREAS, the threat of illegal narcotic activity and increased crime associated with such clinics is significant and could have a detrimental effect on the health and welfare of local residents; and

WHEREAS, the Tennessee General Assembly has identical concerns as Anderson County regarding the potential detriment of the health, safety and welfare of the general public with increased use and frequency of prescription drugs for improper use, sale or distribution; and

WHEREAS, the Tennessee Department of Health has recently established rules and regulations regarding Pain Management Clinics; and

WHEREAS, the Tennessee Department of Commerce and Insurance has established a program to monitor the prescribing and dispensing of Schedule II, III, IV and V controlled substances; and

~~*WHEREAS*, the Anderson County Board of Commissioners declares a need to establish local controls that will regulate Pain Management Clinics in order to promote the health and welfare of its citizens; and~~

NOW, THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners that the Anderson County Zoning Resolution be amended as follows:

Article 5
DEFINITIONS.

PAIN MANAGEMENT CLINIC. "Pain management clinic" means a privately-owned clinic, facility or office in which any health care provider licensed under this title provides chronic non-malignant pain treatment to a majority of its patients for ninety (90) days or more in a twelve-month period. For purposes of determining if a clinic, facility, or office qualifies as a pain management clinic under this subdivision (6)(A), the entire clinic, facility, or office caseload of patients who received medical care services from all medical doctors, osteopathic physicians, advanced practice nurses and physician assistants who serve in the clinic, facility or office shall be counted.

- a. "Pain management clinic" also means a privately-owned clinic, facility or office which advertises in any medium for pain management services of any type.
- b. A pain management clinic does not include any clinic, facility, or office which provides interventional pain management as defined in § 63-6-244 and whose clinic, facility or office does not provide chronic non-malignant pain treatment to a majority of the patients of a clinic, facility or office for ninety (90) days or more in a twelve-month period;
- c. "Pain management clinic" does not mean a clinic, facility or office that is wholly owned and operated by a physician multispecialty practice in which one or more board-eligible or board-certified medical specialists who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education, or who are also board-certified in pain medicine by the American Board of Pain Medicine or a board approved by the American Board of Medical Specialties, the American Association of Physician Specialists, or the American Osteopathic Association perform the pain management services for chronic pain patients;

NOW, THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners that the following section of the Anderson County Zoning Resolution be amended as follows:

Sec. 030-010 General Commercial (C-1) District.

- B. **Uses Upon Review.** The following uses may be permitted upon review by the Planning Commission:
 - 1). Methadone and Pain Management Clinics provided:
 - a. Obtaining a Business License, a valid Certification by the State of Tennessee Health Department, compliance with all applicable requirements of Anderson County and continued compliance with the conditions set forth in the Special Use Permit that is issued;

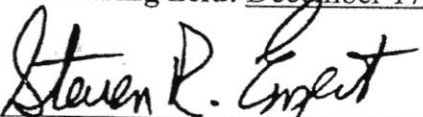
- b. Map(s) showing existing land use and zoning within one-quarter (1/4) mile of the proposed site with an accompanying site plan.
- c. Compliance with all applicable requirements of Section 63-1-301 through 63-1-314 of the Tennessee Code Annotated;
- d. The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church or hospital as measured from building-to-building.
- e. The maximum sign area does not exceed twenty (20) square feet in area and meets all requirements of Division 65, Signs, Billboards and Other Advertising Structures.
- f. Off-Street Parking provided at one (1) space for each two hundred (200) square feet of floor space.
- g. The site shall not be less than One Thousand (1,000) feet from any other methadone treatment or pain management clinic as measured from building-to-building.
- h. The clinic or facility shall not be located within One Thousand (1,000) feet of any establishment that sells alcoholic beverages for either on-or-off-premises consumption as measured from building-to-building..
- i. A Pain Management Clinic in compliance with the distance requirements contained in the zoning resolution cannot be rendered non-compliant by the later establishment of a school, daycare, park, church, establishment selling alcoholic beverages for either on-or-off-premises consumption, and/or hospital.

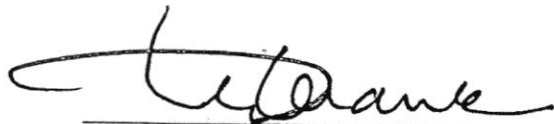
Section 3. This resolution shall become effective from and after its passage, the public welfare requiring it.

Approved by the Clinton Municipal/Regional Planning Commission: *November 9, 2015*

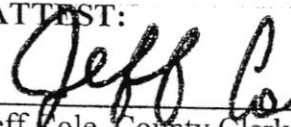
Approved by the Anderson County Regional Planning Commission: *October 13, 2015*

Public hearing held: December 17, 2015


Steve Emert, Commission Chairman


Terry Frank, Anderson County Mayor



ATTEST:

Jeff Cole, County Clerk