

By: Shaheen

H.B. No. 2551

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of associate physicians and the authority of an insured to select an associate physician under the insured's health insurance policy; requiring an occupational license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 155, Occupations Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. ASSOCIATE PHYSICIAN

Sec. 155.201. DEFINITION. In this subchapter, "associate physician" means an individual licensed under this subchapter to practice medicine under a collaborative practice agreement as described by Section 155.204.

Sec. 155.202. RULES. The board shall adopt rules in accordance with this subchapter relating to the licensing and regulation of associate physicians.

Sec. 155.203. LICENSE ISSUANCE. On application, the board shall issue a license to practice medicine under this subchapter to an applicant who:

(1) is a resident of this state and is a United States citizen or a legal permanent resident;

(2) has proficiency in the English language;

(3) is a graduate of a board-approved medical or osteopathic medical school;

1 (4) has passed the first and second components of the
2 United States Medical Licensing Examination or the equivalent
3 components of another board-approved licensing examination
4 described by Section 155.0511:

5 (A) not earlier than two years before the date
6 the applicant submits an application for licensure as an associate
7 physician; and

8 (B) not more than three years after the date of
9 the applicant's graduation from a medical school or osteopathic
10 medical school; and

11 (5) either:

12 (A) has not completed a board-approved
13 postgraduate residency program; or

14 (B) has completed a board-approved postgraduate
15 residency program and passed the second component of the United
16 States Medical Licensing Examination or the equivalent component of
17 another board-approved medical licensing examination described by
18 Section 155.0511 at any time before the date the applicant submits
19 an application for licensure as an associate physician, if on the
20 second anniversary of the date of completion of the examination
21 requirement the applicant was serving as a resident physician in a
22 board-approved postgraduate residency program in the United States
23 and continued to do so until not earlier than the 30th day before
24 the date the applicant submits an application for licensure as an
25 associate physician.

26 Sec. 155.204. COLLABORATIVE PRACTICE AGREEMENT REQUIRED.

27 (a) An associate physician may not practice as an associate

1 physician unless the associate physician has entered into a
2 collaborative practice agreement with a physician under this
3 subtitle.

4 (b) An associate physician must enter into a collaborative
5 practice agreement within the period prescribed by board rule.

6 (c) A collaborative practice agreement under this section:

7 (1) must be in writing;

8 (2) may be in the form of a written agreement,
9 jointly-agreed protocols, or standing orders for the delivery of
10 health care services; and

11 (3) may delegate to an associate physician the
12 authority to administer or dispense drugs and provide treatment:

13 (A) within the scope of practice of the associate
14 physician as specified in the agreement; and

15 (B) consistent with the skill, training, and
16 competence of the associate physician and the collaborating
17 physician.

18 Sec. 155.205. LIABILITY OF COLLABORATING PHYSICIAN. A
19 physician who enters into a collaborative practice agreement with
20 an associate physician under Section 155.204 is responsible at all
21 times for the oversight of and is liable for any medical act
22 performed by the associate physician in the practice of medicine.

23 Sec. 155.206. LICENSING OF ASSOCIATE PHYSICIAN AS
24 PHYSICIAN. The board by rule shall adopt procedures for the
25 issuance of a license to practice medicine as a physician to an
26 associate physician who:

27 (1) not later than the first anniversary of the date of

1 issuance of an associate physician license under this subchapter,
2 completes the third component of the United States Medical
3 Licensing Examination or the equivalent component of another
4 board-approved licensing examination described by Section
5 155.0511;

6 (2) practices for five years under a collaborative
7 practice arrangement as described by Section 155.204; and

8 (3) after completing the collaborative practice
9 period described by Subdivision (2), achieves a passing score in
10 not more than three attempts on the endorsement examination
11 described by Section 155.207.

12 Sec. 155.207. ENDORSEMENT EXAMINATION. (a) The board
13 shall develop and administer an endorsement examination for
14 associate physicians who satisfy the requirements of Sections
15 155.206(1) and (2).

16 (b) The endorsement examination must assess an associate
17 physician's mastery of the knowledge required of general primary
18 care practitioners licensed in this state.

19 (c) The board shall provide practice testing materials to
20 associate physicians during the collaborative practice period
21 described by Section 155.206(2).

22 Sec. 155.208. LICENSING OF CERTAIN ASSOCIATE PHYSICIANS AS
23 PHYSICIAN ASSISTANTS. (a) The board and the Texas Physician
24 Assistant Board shall jointly adopt rules providing for the
25 issuance of a physician assistant license under Chapter 204 to an
26 associate physician who does not satisfy the requirements of
27 Section 155.206 for the issuance of a license as a physician.

1 (b) A rule adopted under Subsection (a) may not require an
2 associate physician to satisfy any additional requirements under
3 Chapter 204 for the issuance of a physician assistant license.

4 Sec. 155.209. EXPIRATION OF ASSOCIATE PHYSICIAN LICENSE.

5 The board by rule shall adopt procedures for the expiration of the
6 license of an associate physician who is not eligible for the
7 issuance of a license as a:

8 (1) physician under Section 155.206; or

9 (2) physician assistant under Section 155.208.

10 SECTION 2. Section 1451.001, Insurance Code, is amended by
11 adding Subdivision (2-a) to read as follows:

12 (2-a) "Associate physician" means an individual
13 licensed under Subchapter E, Chapter 155, Occupations Code, to
14 practice medicine under a collaborative practice agreement as
15 described by Section 155.204, Occupations Code.

16 SECTION 3. Subchapter C, Chapter 1451, Insurance Code, is
17 amended by adding Section 1451.129 to read as follows:

18 Sec. 1451.129. SELECTION OF ASSOCIATE PHYSICIAN. An
19 insured may select an associate physician to provide the services
20 scheduled in the health insurance policy that are within the scope
21 of the associate physician's license under Subchapter E, Chapter
22 155, Occupations Code.

23 SECTION 4. Not later than December 1, 2023, the Texas
24 Medical Board shall adopt rules as necessary to implement
25 Subchapter E, Chapter 155, Occupations Code, as added by this Act.

26 SECTION 5. Section 1451.129, Insurance Code, as added by
27 this Act, applies only to a health insurance policy that is

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1 delivered, issued for delivery, or renewed on or after January 1,
2 2024.

3 SECTION 6. This Act takes effect September 1, 2023.