

By: Hall

S.B. No. 2207

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the Texas Medical Board from regulating certain physician advertising.

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

SECTION 1. Section 153.002, Occupations Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Notwithstanding Subsection (a), the board may not adopt rules that regulate the advertising of physicians as "board certified" if the physician:

(1) was initially certified by:

(A) a medical specialty member board of the American Board of Medical Specialties;

(B) a medical specialty member board of the American Osteopathic Association Bureau of Osteopathic Specialists;

(C) the American Board of Oral and Maxillofacial Surgery; or

(D) any other certifying organization if the organization submits to the board documentation that the certifying organization:

(i) has certification requirements that are substantially equivalent to the requirements of the medical specialty member boards under Paragraph (A) or (B);

(ii) requires members to complete an

1 examination that has been psychometrically evaluated for
2 validation and administered by a testing organization that tests
3 knowledge and skills in the applicable specialty or subspecialty;

4 (iii) requires members to have successfully
5 completed postgraduate training accredited by the Accreditation
6 Council for Graduate Medical Education or the American Osteopathic
7 Association in the applicable specialty or subspecialty;

8 (iv) uses appropriate peer-review
9 processes;

10 (v) has a total membership of at least 100
11 licensed members, fellows, diplomates, or certificate holders from
12 at least one-third of the states in the United States;

13 (vi) is exempt from the payment of federal
14 income taxes under Section 501(a), Internal Revenue Code of 1986,
15 by being listed as an exempt entity under Section 501(c) of that
16 code; and

17 (vii) has a permanent headquarters and
18 staff; and

19 (2) in the advertising identifies the certifying
20 organization by which the physician is certified.

21 (d) The board may not charge a fee or require submission of
22 an application by a certifying organization described by Subsection
23 (c)(1)(D).

24 SECTION 2. This Act takes effect September 1, 2025.