

BILL ANALYSIS

H.B. 1435
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The State has regulated podiatry since 1923 through different agency structures. Since 1995, the Texas State Board of Podiatric Medical Examiners has been responsible for ensuring that safe and quality podiatric services are provided to the citizens of Texas. The Board has three primary functions: license qualified individuals to practice podiatry in Texas; set standards relating to the practice of podiatry; and enforce the Podiatric Medical Act, including investigating and resolving complaints. The Board is subject to the Sunset Act and will be abolished on September 1, 2005, unless continued by the Legislature. As a result of its review of the Board, the Sunset Advisory Commission recommended continuation of the agency and several statutory modifications that are contained in this legislation.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas State Board of Podiatric Medical Examiners in SECTION 9, SECTION 17, SECTION 19, SECTION 20, and SECTION 21 of this bill. In addition, under the general rulemaking authority already granted to the policymaking body, rules may be developed to implement other new provisions found in this bill.

ANALYSIS

H.B. 1435 amends the Occupations Code relating to the administration and functions of the Texas State Board of Podiatric Medical Examiners. The bill also incorporates several standard across-the-board recommendations of the Sunset Commission.

Continuation of the Board

The bill continues the Texas State Board of Podiatric Medical Examiners until September 1, 2017.

Board Member Provisions

The bill authorizes Board members to receive reimbursement for travel expenses, including meals and lodging, instead of only receiving reimbursement for transportation expenses. H.B. 1435 also prohibits Board members from serving as voting members on task forces or advisory committees that make recommendations to the Board. The bill further requires the Board to include a public Board member in informal settlement conferences.

Licensing Process

The bill changes the basis for delinquent license renewal fees from the exam fee to the Board's normally required renewal fee. H.B. 1435 also eliminates the requirement that active, out-of-state podiatrists must pass a clinical skills exam to become licensed in Texas if it was not also required of Texas licensees at the time the out-of-state podiatrist became licensed in their state. The bill further requires the Board to adopt rules that list the specific criminal convictions that would permit the Board to revoke, suspend, or deny a license under Chapter 53, Occupations Code.

Enforcement Authority

The bill authorizes the Board to order refunds as part of the settlement conference process, and prohibits the amount of a refund from exceeding the amount the consumer paid to the person for a service regulated by the Podiatric Medical Act. H.B. 1435 requires the Board to temporarily suspend the license of a person whose practice constitutes a continuing threat to the public welfare. The bill increases the Board's maximum administration penalty amount from \$1,000 to \$5,000 per violation, per day, and requires the Board to adopt an administrative penalty matrix in rule. The bill further authorizes the Board to issue cease-and-desist orders to stop unlicensed activity, after providing the unlicensed person with notice and opportunity for a hearing. Finally, the bill authorizes the Board to conduct inspections of podiatrists' premises in the course of an investigation, or to determine compliance with a Board order.

EFFECTIVE DATE

September 1, 2005.