

BILL ANALYSIS

S.B. 423
By: Carona
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, physicians who are foreign medical school graduates and who complete Accreditation Council for Graduate Medical Education fellowships are unable to obtain a Texas medical license. S.B. 423 authorizes the Texas State Board of Medical Examiners (board) to adopt rules and prescribe fees related to the issuance of a license for such physicians that is limited in scope to the physician's conceded eminence and authority in the physician's profession. Additionally, the bill authorizes the board to require that the holder of a license under this section serve a six-month probationary period during which medical services provided by the license holder are supervised by another licensed physician.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas State Board of Medical Examiners in SECTION 1 and SECTION 2 of this bill.

ANALYSIS

This bill authorizes the Texas State Board of Medical Examiners (board) to adopt rules and prescribe fees related to the issuance of a license that is limited in scope to an applicant by virtue of the applicant's conceded eminence and authority in the applicant's specialty. The bill provides that an applicant is eligible for a limited license is recommended to the board by the dean, president, or chief academic officer of a school of medicine in this state, specific institutions, or an accredited graduate medical education program, is expected to receive an appointment at the institution or program making the recommendation, has not failed a licensing examination that would prevent the applicant from obtaining a full license not limited in scope in this state, has passed a Texas medical jurisprudence examination as determined by board rule, has successfully completed at least one year of accredited and approved subspecialty training, is of good professional character, and meets any other requirements prescribed by board rule adopted under this bill.

This bill authorizes the board to adopt rules that prescribe additional qualifications for an applicant, including education and examination requirements, conditions of employment, and applicant procedures. Authorizes the board, by rule, to qualify, restrict, or otherwise limit a license issued.

This bill authorizes the board by rule to define "conceded eminence and authority in the applicant's specialty." Requires the board, in adopting rules under this subsection, to consider academic appointments, length of time in a profession, scholarly publications, and professional accomplishments.

This bill may authorize the board to require that the holder of a license serve a six-month probationary period during which medical services provided by the license holder are supervised by another licensed physician.

This bill requires the holder of a license to be limited to the practice of only a specialty of medicine for which the license holder has trained and qualified, as determined by the board. Prohibits the license holder from practicing medicine outside of the setting of the institution or program, or an affiliate of the institution or program, that recommended the license holder.

This bill prohibits the holder of a license from changing the license holder's practice setting to a new institution or program unless the license holder applies for a new license with the recommendation of that institution or program.

The bill authorizes a license holder to obtain a full license not limited in scope to practice medicine in this state by meeting all applicable eligibility requirements for such license.

The bill requires the Texas State Board of Medical Examiners to adopt rules necessary to implement the requirements, as added by this Act, no later than March 1, 2006.

EFFECTIVE DATE

September 1, 2005.