

## **BILL ANALYSIS**

Senate Research Center  
79R1620 JMM-D

S.B. 423  
By: Carona  
Health & Human Services  
3/14/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

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. As proposed, 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**

Rulemaking authority is expressly granted to Texas State Board of Medical Examiners in SECTION 1 (Section 155.006, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 155, Occupations Code, by adding Section 155.006, as follows:

Sec. 155.006. ISSUANCE OF LIMITED LICENSE. (a) 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.

(b) Provides that an applicant is eligible for a limited license on presenting certain satisfactory proof to the board.

(c) Authorizes the board, in adopting rules, 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.

(d) 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 certain criteria regarding applicants.

(e) Authorizes 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.

(f) 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 Subsection (b)(1).

(g) 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 as required by Subsection(b)(1).

(h) Authorizes a license holder to obtain an unrestricted license to practice medicine in this state by meeting all applicable eligibility requirements for an unrestricted license.

SECTION 2. Requires the Texas State Board of Medical Examiners to adopt rules necessary to implement the requirements of Section 155.006, Occupations Code, as added by this Act, no later than March 1, 2006.

SECTION 3. Effective date: September 1, 2005.