

By: Solis

H.B. No. 2397

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to allowing certain state boards to hold hearings by  
3 telephone or similar means.

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

5 SECTION 1. Subchapter A, Chapter 152, Occupations Code, is  
6 amended by adding Section 152.0091 to read as follows:

7 Sec. 152.0091. HEARINGS BY TELEPHONE OR SIMILAR MEANS. (a)  
8 As an exception to Chapter 551, Government Code, and other law, if  
9 the presiding officer of the board is physically present at a  
10 meeting, any number of the other members of the board may attend a  
11 meeting of the board by use of telephone conference call, video  
12 conference call, or other similar telecommunication device. This  
13 subsection applies for purposes of constituting a quorum, for  
14 purposes of voting, and for any other purpose allowing a board  
15 member to otherwise fully participate in any board meeting. This  
16 subsection applies without exception with regard to the subject of  
17 the meeting or topics considered by the members.

18 (b) A meeting held by use of telephone conference call,  
19 video conference call, or other similar telecommunication device:

20 (1) is subject to the notice requirements applicable  
21 to other meetings;

22 (2) must specify in the notice of the meeting the  
23 location of the meeting at which the presiding officer will be  
24 physically present;

1           (3) must be open to the public and audible to the  
2 public at the location specified in the notice of the meeting as the  
3 location of the meeting at which the presiding officer will be  
4 physically present; and

5           (4) must provide two-way audio communication between  
6 all board members attending the meeting during the entire meeting,  
7 and if the two-way audio communication link with any member  
8 attending the meeting is disrupted at any time, the meeting may not  
9 continue until the two-way audio communication link is  
10 reestablished.

11           SECTION 2. Subchapter B, Chapter 204, Occupations Code, is  
12 amended by adding Section 204.059 to read as follows:

13           Sec. 204.059. HEARINGS BY TELEPHONE OR SIMILAR MEANS. (a)  
14 As an exception to Chapter 551, Government Code, and other law, if  
15 the presiding officer of the physician assistant board is  
16 physically present at a meeting, any number of the other members of  
17 the board may attend a meeting of the board by use of telephone  
18 conference call, video conference call, or other similar  
19 telecommunication device. This subsection applies for purposes of  
20 constituting a quorum, for purposes of voting, and for any other  
21 purpose allowing a board member to otherwise fully participate in  
22 any board meeting. This subsection applies without exception with  
23 regard to the subject of the meeting or topics considered by the  
24 members.

25           (b) A meeting held by use of telephone conference call,  
26 video conference call, or other similar telecommunication device:

27           (1) is subject to the notice requirements applicable

1 to other meetings;

2 (2) must specify in the notice of the meeting the  
3 location of the meeting at which the presiding officer will be  
4 physically present;

5 (3) must be open to the public and audible to the  
6 public at the location specified in the notice of the meeting as the  
7 location of the meeting at which the presiding officer will be  
8 physically present; and

9 (4) must provide two-way audio communication between  
10 all physician assistant board members attending the meeting during  
11 the entire meeting, and if the two-way audio communication link  
12 with any member attending the meeting is disrupted at any time, the  
13 meeting may not continue until the two-way audio communication link  
14 is reestablished.

15 SECTION 3. Subchapter B, Chapter 205, Occupations Code, is  
16 amended by adding Section 205.061 to read as follows:

17 Sec. 205.061. HEARINGS BY TELEPHONE OR SIMILAR MEANS. (a)  
18 As an exception to Chapter 551, Government Code, and other law, if  
19 the presiding officer of the acupuncture board is physically  
20 present at a meeting, any number of the other members of the  
21 acupuncture board may attend a meeting of the board by use of  
22 telephone conference call, video conference call, or other similar  
23 telecommunication device. This subsection applies for purposes of  
24 constituting a quorum, for purposes of voting, and for any other  
25 purpose allowing an acupuncture board member to otherwise fully  
26 participate in any board meeting. This subsection applies without  
27 exception with regard to the subject of the meeting or topics

1 considered by the members.

2 (b) A meeting held by use of telephone conference call,  
3 video conference call, or other similar telecommunication device:

4 (1) is subject to the notice requirements applicable  
5 to other meetings;

6 (2) must specify in the notice of the meeting the  
7 location of the meeting at which the presiding officer will be  
8 physically present;

9 (3) must be open to the public and audible to the  
10 public at the location specified in the notice of the meeting as the  
11 location of the meeting at which the presiding officer will be  
12 physically present; and

13 (4) must provide two-way audio communication between  
14 all acupuncture board members attending the meeting during the  
15 entire meeting, and if the two-way audio communication link with  
16 any member attending the meeting is disrupted at any time, the  
17 meeting may not continue until the two-way audio communication link  
18 is reestablished.

19 SECTION 4. The change in law made by this Act applies only  
20 to a meeting of the Texas State Board of Medical Examiners, the  
21 Texas State Board of Physician Assistant Examiners, or the Texas  
22 State Board of Acupuncture Examiners that occurs on or after the  
23 effective date of this Act.

24 SECTION 5. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.