

By: Delisi

H.B. No. 2706

Substitute the following for H.B. No. 2706:

By: Dawson

C.S.H.B. No. 2706

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Health Professions Scope of Practice Review Commission.

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

SECTION 1. Subtitle A, Title 3, Occupations Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. HEALTH PROFESSIONS SCOPE OF PRACTICE REVIEW

COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 113.001. SHORT TITLE. This chapter may be cited as the Scope of Practice Review Act.

Sec. 113.002. PURPOSE. The purpose of this chapter is to:

(1) provide a procedure for objective review of proposed changes in the scope of practice of health professionals licensed in this state to ensure that the changes contribute to the improvement of the overall health of people in this state; and

(2) establish a commission to make recommendations under Subdivision (1) to the legislature.

Sec. 113.003. DEFINITIONS. In this chapter:

(1) "Commission" means the Health Professions Scope of Practice Review Commission.

(2) "Health profession" means a health-related activity or occupation for which a person must hold a license under this title.

1 (3) "License" includes a license, certificate,
2 registration, permit, or other authorization issued by a licensing
3 entity.

4 (4) "Licensing entity" means an agency, board,
5 department, commission, or other entity that issues a license under
6 this title to practice a specific health profession.

7 (5) "Scope of practice" means the activities that a
8 person licensed to practice a health profession is permitted to
9 perform, as prescribed by the appropriate statutes and by rules
10 adopted by the appropriate licensing entity.

11 [Sections 113.004-113.050 reserved for expansion]

12 SUBCHAPTER B. COMMISSION

13 Sec. 113.051. HEALTH PROFESSIONS SCOPE OF PRACTICE REVIEW
14 COMMISSION. The Health Professions Scope of Practice Review
15 Commission shall be administratively attached to the Office of
16 Patient Protection.

17 Sec. 113.052. MEMBERSHIP. (a) The commission consists of
18 the following members:

19 (1) the commissioner of the Department of State Health
20 Services;

21 (2) an employee of the Legislative Budget Board who
22 works in the Texas Performance Review section;

23 (3) a representative of the Office of Patient
24 Protection;

25 (4) a representative of the Health Law and Policy
26 Institute at the University of Houston;

27 (5) an employee of the Texas Higher Education

1 Coordinating Board who has expertise in health care education
2 issues;

3 (6) the director of the Sunset Advisory Commission;

4 (7) an employee of the Texas Legislative Council who
5 has expertise in scope of practice issues; and

6 (8) two representatives of the public.

7 (b) A member who is an employee of a state agency or
8 representative of an institution of higher education shall be
9 designated by that agency or institution.

10 (c) The governor shall appoint the public members of the
11 commission.

12 Sec. 113.053. PRESIDING OFFICER. The director of the
13 Sunset Advisory Commission serves as the presiding officer of the
14 commission.

15 Sec. 113.054. RESTRICTION ON PUBLIC MEMBERSHIP. (a) In
16 this section, "Texas trade association" means a cooperative and
17 voluntarily joined statewide association of business or
18 professional competitors in this state designed to assist its
19 members and its industry or profession in dealing with mutual
20 business or professional problems and in promoting their common
21 interest.

22 (b) A person may not be a public member of the commission if:

23 (1) the person is an officer, employee, manager, or
24 paid consultant of a Texas trade association in the field of health
25 care;

26 (2) the person's spouse is an officer, manager, or paid
27 consultant of a Texas trade association in the field of health care;

1 (3) the person is required to register as a lobbyist
2 under Chapter 305, Government Code, because of the person's
3 activities for compensation on behalf of a health profession
4 related to the activities of the commission; or

5 (4) the person has a direct financial interest in a
6 health care profession or is employed within the health care
7 industry.

8 Sec. 113.055. COMPENSATION. A member of the commission may
9 not receive compensation for service as a commission member.

10 Sec. 113.056. SUBCOMMITTEES, WORKGROUPS, AND ADVISORY
11 PANELS. (a) The commission may create subcommittees, workgroups,
12 and advisory panels as needed to perform the commission's duties
13 under this chapter.

14 (b) A subcommittee, workgroup, or advisory panel
15 established under this section may consist of persons other than
16 members of the commission. The name, occupation, employer, and
17 community of residence of the person must be made part of the record
18 of the commission and detailed in any report resulting from the work
19 of the subcommittee, workgroup, or advisory panel.

20 [Sections 113.057-113.100 reserved for expansion]

21 SUBCHAPTER C. SCOPE OF PRACTICE ANALYSIS

22 Sec. 113.101. REQUEST FOR CHANGE IN SCOPE OF PRACTICE
23 ANALYSIS. A member of the legislature may request in writing that
24 an analysis be performed by the commission of a proposal to change
25 the scope of practice of a health profession.

26 Sec. 113.102. COMMISSION REVIEW AND ANALYSIS. (a) On
27 receipt of an analysis request under Section 113.101, the

1 commission shall review the proposed change to the scope of
2 practice.

3 (b) In performing the commission's duties under this
4 section, the commission shall:

5 (1) provide appropriate public notice of the
6 commission's proceedings;

7 (2) invite persons having special knowledge or
8 expertise in the relevant field to testify regarding the proposed
9 change;

10 (3) assess the proposed change according to the
11 following criteria:

12 (A) whether the proposed change could
13 potentially harm the public health, safety, or welfare;

14 (B) whether the proposed change will benefit the
15 public health, safety, or welfare;

16 (C) what economic impact the proposed change
17 would likely have on the overall delivery of health care; and

18 (D) the extent to which the proposed change would
19 affect the availability, accessibility, delivery, and quality of
20 health care in this state; and

21 (4) evaluate the quality and quantity of the training
22 provided by health care professional degree curricula and
23 postgraduate training programs to health care professionals in
24 active practice with regard to the increased scope of practice
25 proposed.

26 (c) The analysis performed by the commission must include:

27 (1) a review of other states that have a scope of

1 practice for the relevant profession that is identical or similar
2 to the proposed change and any available information on how that
3 scope of practice has affected the quality and cost of health care
4 in the state;

5 (2) a review of any statutory or regulatory changes
6 that were required in the other state to implement the identical or
7 similar change in the scope of practice; and

8 (3) an objective and balanced review that examines the
9 extent to which the potential benefits predicted by proponents of
10 the change or concerns raised by opponents of the change
11 materialized after the change of the scope of practice took effect
12 in the other state.

13 Sec. 113.103. REPORT. (a) The commission shall report, not
14 later than December 31 of each even-numbered year, the results of
15 the commission's reviews in the preceding biennium under Section
16 113.102 to the:

17 (1) governor;

18 (2) lieutenant governor;

19 (3) speaker of the house of representatives;

20 (4) standing committees of the senate and house of
21 representatives having jurisdiction over state finance issues; and

22 (5) standing committees of the senate and house of
23 representatives having jurisdiction over health and human services
24 issues.

25 (b) The report must include an evidence-based legislative
26 analysis of each proposed change in the scope of practice of a
27 health profession that is submitted to the commission by a member of

1 the legislature before August 31 of each even-numbered year.

2 (c) A member of the legislature who files a bill that
3 proposes to change the scope of practice of a health profession may
4 request the commission to analyze the bill. If requested, the
5 analysis must be provided to the legislator before second reading
6 of the bill in the house in which the bill was filed. The analysis
7 shall be made available to the public.

8 Sec. 113.104. OTHER REVIEW AND RESEARCH DUTIES. As the
9 commission determines appropriate, the commission may perform
10 ongoing research on issues related to the scope of practice of a
11 health profession to prepare for legislative analysis requests.

12 Sec. 113.105. REQUIREMENTS PERTAINING TO NOTICE AND PUBLIC
13 MEETINGS. (a) The commission shall notify annually each licensing
14 entity and each professional association and group of health
15 professions of the commission's and entity's duties under this
16 chapter.

17 (b) A public hearing conducted under this chapter shall be
18 open to the public and is subject to the requirements of Chapter
19 551, Government Code.

20 Sec. 113.106. ASSISTANCE PROVIDED TO LEGISLATURE AND REVIEW
21 PANELS. (a) The commission on request shall provide other
22 assistance to the legislature with regard to a proposed change in
23 the scope of practice of a health profession.

24 (b) The commission shall provide staff services to any
25 review panel established under this chapter.

26 Sec. 113.107. RULES. The commission shall adopt rules as
27 necessary to administer the requirements of this chapter.

1 SECTION 2. The initial appointments to the Health
2 Professions Scope of Practice Review Commission shall be made not
3 later than December 31, 2005.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2005.