

1-1 By: Carona S.B. No. 423
1-2 (In the Senate - Filed February 8, 2005; February 15, 2005,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 17, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 17, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 423 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the issuance of a limited license to practice medicine
1-11 to certain applicants.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 155, Occupations Code, is
1-14 amended by adding Section 155.006 to read as follows:

1-15 Sec. 155.006. ISSUANCE OF LIMITED LICENSE. (a) The board
1-16 may adopt rules and prescribe fees related to the issuance of a
1-17 license under this section that is limited in scope to an applicant
1-18 by virtue of the applicant's conceded eminence and authority in the
1-19 applicant's specialty.

1-20 (b) An applicant is eligible for a limited license under
1-21 this section on presenting proof satisfactory to the board that the
1-22 applicant:

1-23 (1) is recommended to the board by the dean,
1-24 president, or chief academic officer of:

1-25 (A) a school of medicine in this state;

1-26 (B) The University of Texas Health Center at
1-27 Tyler;

1-28 (C) The University of Texas M. D. Anderson Cancer
1-29 Center; or

1-30 (D) a program of graduate medical education,
1-31 accredited by the Accreditation Council for Graduate Medical
1-32 Education or the American Osteopathic Association, that exceeds the
1-33 requirements for eligibility for first board certification in the
1-34 discipline;

1-35 (2) is expected to receive an appointment at the
1-36 institution or program making the recommendation under Subdivision
1-37 (1);

1-38 (3) has not failed a licensing examination that would
1-39 prevent the applicant from obtaining a full license not limited in
1-40 scope in this state;

1-41 (4) has passed a Texas medical jurisprudence
1-42 examination as determined by board rule;

1-43 (5) has successfully completed at least one year of
1-44 approved subspecialty training accredited by the Accreditation
1-45 Council for Graduate Medical Education or the American Osteopathic
1-46 Association;

1-47 (6) is of good professional character, is not subject
1-48 to denial of a license under Section 164.051, and has not engaged in
1-49 conduct described by Section 164.052 or 164.053; and

1-50 (7) meets any other requirements prescribed by board
1-51 rule adopted under this section.

1-52 (c) In adopting rules under this section, the board may
1-53 adopt rules that prescribe additional qualifications for an
1-54 applicant, including education and examination requirements,
1-55 conditions of employment, and application procedures. The board by
1-56 rule may qualify, restrict, or otherwise limit a license issued
1-57 under this section.

1-58 (d) The board by rule may define "conceded eminence and
1-59 authority in the applicant's specialty." In adopting rules under
1-60 this subsection, the board shall consider criteria that include a
1-61 person's:

1-62 (1) academic appointments;

1-63 (2) length of time in a profession;

(3) scholarly publications; and

(4) professional accomplishments.

(e) The board may 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.

(f) The holder of a license under this section shall 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. The license holder may not practice medicine outside of the setting of the institution or program, or an affiliate of the institution or program, that recommended the license holder under Subsection (b)(1).

(g) The holder of a license under this section may not change the license holder's practice setting to a new institution or program unless the license holder applies for a new license under this section with the recommendation of that institution or program as required by Subsection (b)(1).

(h) A license holder under this section may obtain a full license not limited in scope to practice medicine in this state by meeting all applicable eligibility requirements for such license.

SECTION 2. The Texas State Board of Medical Examiners shall adopt rules necessary to implement the requirements of Section 155.006, Occupations Code, as added by this Act, not later than March 1, 2006.

SECTION 3. This Act takes effect September 1, 2005.

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