

By: Davis of Harris

H.B. No. 2858

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of physicians.

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

SECTION 1. Section 153.002, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The board shall adopt rules prohibiting a person regulated by the board from advertising or otherwise representing that the person specializes in a medical specialty field of practice unless the person holds a specialty certification issued by a medical licensing board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists.

SECTION 2. Section 154.006(b), Occupations Code, is amended to read as follows:

(b) A profile must contain the following information on each physician:

(1) the name of each medical school attended and the dates of:

(A) graduation; or

(B) Fifth Pathway designation and completion of the Fifth Pathway Program;

(2) a description of all graduate medical education in the United States or Canada;

(3) any specialty certification currently held by the physician, or formerly held by the physician but no longer held on

1 the date the physician's license is renewed or the physician's
2 profile is updated, and issued by a medical licensing board that is
3 a member of the American Board of Medical Specialties or the Bureau
4 of Osteopathic Specialists;

5 (4) the number of years the physician has actively
6 practiced medicine in:

7 (A) the United States or Canada; and

8 (B) this state;

9 (5) the name of each hospital in this state in which
10 the physician has privileges;

11 (6) the physician's primary practice location;

12 (7) the type of language translating services,
13 including translating services for a person with impairment of
14 hearing, that the physician provides at the physician's primary
15 practice location;

16 (8) whether the physician participates in the Medicaid
17 program;

18 (9) a description of any conviction for a felony, a
19 Class A or Class B misdemeanor, or a Class C misdemeanor involving
20 moral turpitude;

21 (10) a description of any charges reported to the
22 board to which the physician has pleaded no contest, for which the
23 physician is the subject of deferred adjudication or pretrial
24 diversion, or in which sufficient facts of guilt were found and the
25 matter was continued by a court;

26 (11) a description of any disciplinary action against
27 the physician by the board;

1 (12) a description of any disciplinary action against
2 the physician by a medical licensing board of another state;

3 (13) a description of the final resolution taken by
4 the board on medical malpractice claims or complaints required to
5 be opened by the board under Section 164.201;

6 (14) whether the physician's patient service areas are
7 accessible to disabled persons, as defined by federal law;

8 (15) a description of any formal complaint against the
9 physician initiated and filed under Section 164.005 and the status
10 of the complaint; ~~and~~

11 (16) a description of any medical malpractice claim
12 against the physician, not including a description of any offers by
13 the physician to settle the claim, for which the physician was found
14 liable, a jury awarded monetary damages to the claimant, and the
15 award has been determined to be final and not subject to further
16 appeal; and

17 (17) if the physician holds a specialty certification
18 issued by a medical licensing board that is a member of the American
19 Board of Medical Specialties or the Bureau of Osteopathic
20 Specialists, a detailed description of each continuing education
21 program in which the physician participated, other than a
22 self-directed program or self-study hours, during the previous
23 reporting year, including:

24 (A) the number of continuing education hours;

25 (B) the subject matter of the program; and

26 (C) the name of the entity that sponsored the
27 program.

1 SECTION 3. Section 156.051(a), Occupations Code, is amended
2 to read as follows:

3 (a) The board by rule shall adopt, monitor, and enforce a
4 reporting program for the continuing medical education of license
5 holders. The board shall adopt and administer rules that:

6 (1) establish the number of hours of continuing
7 medical education the board determines appropriate as a
8 prerequisite to the registration of a license under this subtitle;

9 (2) require at least one-half of the hours of
10 continuing medical education established under Subdivision (1) to
11 be board approved; ~~and~~

12 (3) adopt a process to assess a license holder's
13 participation in continuing medical education courses; and

14 (4) require the board to verify that a person renewing
15 a registration has completed the person's continuing medical
16 education requirements under this subchapter.

17 SECTION 4. Chapter 162, Occupations Code, is amended by
18 adding Subchapter F to read as follows:

19 SUBCHAPTER F. REGULATION OF CERTAIN PRACTICES

20 Sec. 162.251. SPECIALTY CERTIFICATION REQUIRED. A person
21 may not limit the person's professional practice as a physician to a
22 medical specialty field of practice unless the person holds a
23 specialty certification issued by a medical licensing board that is
24 a member of the American Board of Medical Specialties or the Bureau
25 of Osteopathic Specialists.

26 SECTION 5. Not later than December 1, 2007, the Texas
27 Medical Board shall adopt rules as required by Sections 153.002 and

1 156.051, Occupations Code, as amended by this Act.

2 SECTION 6. The change in law made by this Act to Section
3 154.006, Occupations Code, regarding the information in a
4 physician's profile applies only to a profile updated on or after
5 the effective date of this Act. A profile updated before the
6 effective date of this Act is governed by the law in effect on the
7 date the profile is updated, and the former law is continued in
8 effect for that purpose.

9 SECTION 7. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.