

By: Delisi

H.B. No. 3950

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 and balanced 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 provide information to the legislature to use when considering legislation proposing changes in the scope of practice of health professionals.

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

1 activity or occupation for which a person must hold a license under
2 this title.

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

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

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

13 [Sections 113.004-113.050 reserved for expansion]

14 SUBCHAPTER B. COMMISSION

15 Sec. 113.051. HEALTH PROFESSIONS SCOPE OF PRACTICE REVIEW
16 COMMISSION. The Health Professions Scope of Practice Review
17 Commission shall be administratively attached to the Health
18 Professions Council for purposes of staff support. The agencies
19 and entities represented on the commission, to the extent
20 practical, shall provide support to the commission in the discharge
21 of the commission's duties.

22 Sec. 113.052. MEMBERSHIP. (a) The commission consists of
23 the following members:

24 (1) the commissioner of the Department of State Health
25 Services;

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

1 (3) a representative of the Health Professions
2 Council;

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

5 (5) an employee of the Texas Higher Education
6 Coordinating Board who has expertise in health care education
7 issues;

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

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

11 (8) two representatives of the public.

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

15 (c) The governor shall appoint the public members of the
16 commission.

17 Sec. 113.053. PRESIDING OFFICER. The director of the
18 Sunset Advisory Commission serves as the presiding officer of the
19 commission.

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

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

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

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

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

10 (4) the person has a direct financial interest in a
11 health care profession or is employed within the health care
12 industry.

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

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

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

25 Sec. 113.057. MEETINGS. (a) The commission shall meet at
26 the call of the presiding officer or on petition of at least three
27 commission members.

1 (b) Notwithstanding Chapter 551, Government Code, or any
2 other law, if any commission member is physically present at a
3 meeting, any number of the other commission members may attend the
4 meeting by use of telephone conference call, videoconferencing, or
5 other similar telecommunication method for purposes of
6 establishing a quorum or voting or for any other meeting purpose
7 allowing a panel member to fully participate in any commission
8 meeting. This subsection applies without regard to the subject
9 matter discussed or considered by the commission at the meeting.

10 (c) A meeting held by telephone conference call,
11 videoconferencing, or other similar telecommunication method:

12 (1) is subject to the notice requirements applicable
13 to other meetings of the commission;

14 (2) may not be held unless the notice of the meeting
15 specifies the location of the meeting at which a member of the panel
16 will be physically present;

17 (3) must be open to the public and audible to the
18 public at the location specified in the notice under Subdivision
19 (2); and

20 (4) must provide two-way audio communication between
21 all commission members attending the meeting during the entire
22 meeting, and, if the two-way audio communication link with any
23 member attending the meeting is disrupted at any time, the meeting
24 may not continue until the two-way audio communication link is
25 reestablished.

26 [Sections 113.058-113.100 reserved for expansion]

1 SUBCHAPTER C. SCOPE OF PRACTICE ANALYSIS

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

6 Sec. 113.102. COMMISSION REVIEW AND ANALYSIS. (a) On
7 receipt of an analysis request under Section 113.101, the
8 commission shall review the proposed change in the scope of
9 practice.

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

12 (1) provide appropriate public notice of the
13 commission's proceedings;

14 (2) invite persons having special knowledge or
15 expertise in the relevant field to testify regarding the proposed
16 change;

17 (3) analyze the advantages and disadvantages of the
18 proposed change according to the following criteria:

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

21 (B) whether the proposed change will benefit the
22 public health, safety, or welfare; and

23 (C) the extent to which the proposed change would
24 affect the availability, accessibility, delivery, and quality of
25 health care in this state; and

26 (4) evaluate the quality and quantity of the training
27 provided by health care professional degree curricula and

1 postgraduate training programs to health care professionals in
2 active practice with regard to the increased scope of practice
3 proposed.

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

5 (1) a review of other states that have a scope of
6 practice for the relevant profession that is identical or similar
7 to the proposed change and any available information on how that
8 scope of practice has affected the quality and cost of health care
9 in the state;

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

13 (3) a review of the extent to which the potential
14 benefits predicted by proponents of the change or concerns raised
15 by opponents of the change materialized after the change in the
16 scope of practice took effect in the other state.

17 Sec. 113.103. REPORT. (a) The commission shall report, not
18 later than December 31 of each even-numbered year, the results of
19 the commission's reviews in the preceding biennium under Section
20 113.102 to the:

21 (1) governor;

22 (2) lieutenant governor;

23 (3) speaker of the house of representatives;

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

26 (5) standing committees of the senate and house of
27 representatives having jurisdiction over health and human services

1 issues.

2 (b) The report must include an evidence-based legislative
3 analysis of each proposed change in the scope of practice of a
4 health profession that is submitted to the commission by a member of
5 the legislature before August 31 of each even-numbered year.

6 (c) A member of the legislature who files a bill that
7 proposes to change the scope of practice of a health profession may
8 request the commission to analyze the bill. If requested, the
9 commission shall provide to the legislator any analysis that the
10 commission has performed on the proposed change before second
11 reading of the bill in the house in which the bill was filed. The
12 analysis shall be made available to the public.

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

17 Sec. 113.105. REQUIREMENTS PERTAINING TO NOTICE AND PUBLIC
18 MEETINGS. (a) The commission shall make available to each
19 licensing entity and each professional association and group of
20 health professions the results of the commission's analyses
21 performed under this chapter.

22 (b) A public hearing conducted under this chapter shall be
23 open to the public and is subject to the requirements of Chapter
24 551, Government Code.

25 Sec. 113.106. ASSISTANCE PROVIDED TO LEGISLATURE AND REVIEW
26 PANELS. (a) The commission on request shall provide other
27 assistance to the legislature with regard to a proposed change in

1 the scope of practice of a health profession.

2 (b) The commission shall provide staff support to any review
3 panel established under this chapter.

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

6 SECTION 2. The initial appointments to the Health
7 Professions Scope of Practice Review Commission shall be made not
8 later than December 31, 2007.

9 SECTION 3. 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.