

BILL ANALYSIS

C.S.H.B. 3450
By: Legler
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the Texas Medical Board is authorized to issue temporary faculty licenses for doctors licensed in other states who wish to teach in a Texas medical school, but the Texas Board of Chiropractic Examiners does not have the same authority.

C.S.H.B. 3450 authorizes the Texas Board of Chiropractic Examiners to issue a temporary license to a person hired as a full-time faculty member at one of the two chiropractic colleges in Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill expressly grants rulemaking authority to the Texas Board of Chiropractic Examiners in SECTIONS 1 and 2 of this bill.

ANALYSIS

C.S.H.B. 3450 amends the Occupations Code to authorize the Texas Board of Chiropractic Examiners to issue a temporary faculty license to practice chiropractic to a person who holds a current chiropractic license that is unrestricted and not subject to a disciplinary order or probation in another state or a Canadian province; does not hold a chiropractic license in another state or a Canadian province that has any restrictions, disciplinary orders, or probation; passes an examination prepared by the board that tests the applicant's knowledge and understanding of Texas chiropractic laws; has been engaged in the practice of chiropractic for at least the three years preceding the date of the application or as a chiropractic educator in a doctor of chiropractic degree program accredited by the Council on Chiropractic Education for at least the three years preceding the date of the application; and holds a salaried faculty position of at least the level of assistant professor and works full-time at Parker College of Chiropractic or Texas Chiropractic College.

C.S.H.B. 3450 specifies that a person is eligible for a temporary license to practice chiropractic if the person holds a faculty position of at least the level of assistant professor, works at least part-time at Parker College of Chiropractic or Texas Chiropractic College, is on active duty in the United States armed forces, and the person's practice under the temporary license will fulfill critical needs of Texas citizens. The bill requires a chiropractor who is issued a temporary license to sign an oath on a form prescribed by the board swearing that the person has read and is familiar with state chiropractor licensing requirements and board rules, will abide by those requirements and rules while practicing under the temporary license, and will be subject to the disciplinary procedures of the board. The bill requires a chiropractor holding a temporary license issued by the board and the chiropractor's chiropractic school to file affidavits with the board affirming acceptance of the terms and limits imposed by the board on the chiropractic activities of the chiropractor. The bill specifies that a faculty temporary license is valid for one year.

C.S.H.B. 3450 limits the holder of a temporary license to the teaching confines of the applying

chiropractic school as a part of the chiropractor's duties and responsibilities assigned by the program, and it prohibits the holder from practicing chiropractic outside of the setting of the school or an affiliate of the school. The bill requires the application for a faculty temporary license to be made by the chiropractic school in which the chiropractor teaches and to contain the information and documentation requested by the board. The bill requires the application to be endorsed by the dean of the chiropractic board or the president of the institution. The bill requires a chiropractor who holds a faculty temporary license and who wishes to receive a permanent unrestricted license to meet the requirements for issuance of a permanent unrestricted license, including any examination requirements.

C.S.H.B. 3450 requires the board to adopt rules governing the issuance of a renewal temporary faculty license, including a rule that permits a person who holds a temporary license to practice chiropractic to continue teaching while an application for a renewal temporary license is pending, fees for the issuance of a temporary license and a renewal temporary license, and an application form for temporary licenses and renewal temporary licenses to be issued. The bill requires the fee for a renewal temporary license to be less than the amount of the fee for a temporary license to practice chiropractic. The bill requires a chiropractic school to notify the board not later than 72 hours after the time a chiropractor eligible for a temporary license ceases to hold a salaried position of at least the level of assistant professor at the school. The bill requires the board to revoke a temporary license if the license holder no longer satisfies the requirements of the license. The bill requires the board to adopt these rules, fees, and forms not later than January 1, 2010.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3450 differs from the original by including in the requirements for a person to be issued a temporary faculty license to practice chiropractic by the board that the person has been engaged in the practice of chiropractic for at least the three years preceding the date of the application or as a chiropractic educator in a doctor of chiropractic degree program accredited by the Council on Chiropractic Education for at least the three years preceding the date of the application. The substitute makes a technical correction to language in the original by authorizing the board to issue a temporary faculty license, rather than a faculty temporary license.

C.S.H.B. 3450 adds provisions not in the original relating to the issuance of a renewal temporary faculty license.