

BILL ANALYSIS

Senate Research Center
81R1503 YDB-F

S.B. 86
By: Nelson
Health & Human Services
2/20/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, 46 percent of Texas counties are classified as Health Professional Shortage Areas (HPSA). Current law stipulates that people who enter the United States (U.S.) and hold J-1 visas must practice medicine in a medical school or in an underserved area for three years. A person with an H1B does not have to meet such a requirement.

As proposed, S.B. 86 requires applicants for a Texas medical license who are not U.S. citizens or permanent residents to practice medicine at a medical school or practice in a medically underserved area or in an HPSA for at least three years.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Medical Board in SECTION 1 (Section 155.0045, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 155, Occupations Code, by adding Section 155.0045, as follows:

Sec. 155.0045. **ADDITIONAL ELIGIBILITY REQUIREMENT FOR CERTAIN ALIENS.** (a) Requires a license applicant who is not a United States citizen or an alien lawfully admitted for permanent residence in the United States to present proof satisfactory to the Texas Medical Board (TMB) that the applicant has practiced medicine or has signed an agreement to practice medicine as a condition of the license for at least three years in an area in this state that is designated by the United States Department of Health and Human Services as a health professional shortage area or a medically underserved area.

(b) Provides that Subsection (a) does not prohibit TMB from issuing a license to an applicant described by that subsection who is applying for a license to practice medicine at a graduate medical training program in this state that is not in an area described by that subsection.

(c) Requires TMB to adopt rules and procedures to implement this section, including rules to determine whether the applicant is complying with the agreement required under Subsection (a).

(d) Authorizes TMB by rule to limit the license to practice medicine of an applicant described by Subsection (a) to an area in this state that is designated by the United States Department of Health and Human Services as a health professional shortage area or a medically underserved area.

SECTION 2. Requires TMB, not later than May 1, 2010, to adopt rules necessary to implement Section 155.0045, Occupations Code, as added by this Act.

SECTION 3. Makes application of this Act prospective to September 1, 2010.

SECTION 4. Effective date: September 1, 2009.