

By: Shelton

H.B. No. 3122

A BILL TO BE ENTITLED

AN ACT

relating to the employment and temporary licensing of medical school faculty from out of state.

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

SECTION 1. Subchapter C, Chapter 155, Occupations Code, is amended by adding Section 155.1045 to read as follows:

Sec. 155.1045. PREEMPLOYMENT TEMPORARY LICENSE. (a) The dean of the medical school or the president of an institution listed in Section 155.104(b)(4) may sponsor an applicant for a temporary license under this section who has been offered a salaried faculty position of at least the level of assistant professor by the institution.

(b) Not later than the 10th day after the date the board receives a sponsored application under this section, the board shall issue a temporary license to an applicant who:

(1) has graduated from medical school;

(2) at the time of application holds a salaried faculty position at an accredited medical school in another state or a Canadian province;

(3) holds a current medical license that is unrestricted and not subject to a disciplinary order or probation in another state or a Canadian province;

(4) has been offered a salaried faculty position of at least the level of assistant professor by the medical school or

1 institution that sponsors the applicant; and

2 (5) is not ineligible for examination or licensing
3 under this subtitle.

4 (c) As a condition for issuance of a temporary license under
5 Subsection (b), the applicant must sign an oath on a form prescribed
6 by the board swearing that the applicant:

7 (1) has read and is familiar with this subtitle and
8 board rules;

9 (2) will abide by the requirements of this subtitle
10 and board rules while practicing under the temporary license; and

11 (3) will be subject to the disciplinary procedures of
12 the board.

13 (d) A physician holding a temporary license under
14 Subsection (b) and the physician's medical school or institution
15 must file affidavits with the board affirming acceptance of the
16 terms and limits imposed by the board on the medical activities of
17 the physician.

18 (e) A temporary license issued under Subsection (b) is valid
19 for six months and may not be renewed.

20 (f) The medical practice of a physician holding a temporary
21 license under Subsection (b) is limited to the teaching confines of
22 the sponsoring medical school or institution in performing the
23 physician's duties and responsibilities assigned by the school, and
24 the physician may not practice medicine outside of the setting of
25 the medical school or an affiliate of the medical school. The
26 physician may participate in the medical activities of the
27 department of any hospital at which the physician's medical school

1 or institution has full responsibility for clinical, patient care,
2 and teaching activities.

3 (g) A physician who holds a temporary license under
4 Subsection (b) and who wishes to receive a permanent unrestricted
5 license under this subtitle must meet the requirements for issuance
6 of a permanent unrestricted license, including any examination
7 requirements.

8 (h) Notwithstanding any other law, the medical school or
9 institution that sponsors an applicant for a temporary license
10 under this section may terminate the person's employment contract
11 if the person does not obtain a permanent unrestricted license on or
12 before the date the temporary license expires.

13 SECTION 2. This Act takes effect September 1, 2009.