

## **BILL ANALYSIS**

S.B. 1424  
By: Wentworth  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Medical Board oversees the licensing and medical practices of physicians in Texas. Among the board's powers and duties in regulating the practice of medicine in this state is the authority to issue, after notice and hearing, a cease and desist order against a person if it appears to the board that the person is practicing medicine without a license. Interested parties contend, however, that under both statute and board rules, the notice and hearing requirement for an unlicensed person is not clearly defined and that ambiguity exists in the actual implementation of this provision.

S.B. 1424 seeks to clarify matters by requiring that the same notice and the same opportunity for an informal proceeding and formal hearing that is provided to a licensed individual during a proceeding with the board be afforded to an unlicensed person alleged to be practicing medicine without a license.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1424 amends the Occupations Code to require the Texas Medical Board, before issuing a cease and desist order prohibiting a person who is not licensed under and appears to be acting in violation of the Medical Practice Act or in violation of a rule adopted under that act or another state statute or rule relating to the practice of medicine from engaging in the activity, to provide the person with the same notice and the same opportunity for an informal proceeding and a formal hearing as provided to a licensed physician under the statutory provisions governing disciplinary actions and procedures against such physicians.

### **EFFECTIVE DATE**

September 1, 2011.