

BILL ANALYSIS

Senate Research Center
82R13134 JAM-D

S.B. 1424
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Medical Board (TMB) governs the licensure practices of physicians in the State of Texas. Pursuant to its authority to govern the practice of medicine, TMB's governing statutes provide that if it appears that a person is practicing medicine without a license, a cease and desist order may be issued after notice and hearing. Currently, under both statute and rules, the notice and hearing requirement for an unlicensed person is not clearly defined and ambiguity exists in the actual implementation of this provision.

S.B. 1424 provides that the same formal hearing process provided to a licensed individual during a proceeding with TMB be afforded to an unlicensed person where there is an allegation of practicing medicine without a license.

As proposed, S.B. 1424 amends current law relating to the issuance of cease and desist orders by the Texas Medical Board.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 165.052(a), Occupations Code, as follows:

- (a) Authorizes the Texas Medical Board (TMB), if it appears to TMB that a person who is not licensed under this subtitle is violating this subtitle, a rule adopted under this subtitle, or another state statute or rule relating to the practice of medicine, to issue a cease and desist order prohibiting the person from engaging in the activity. Requires TMB, before issuing the order, to provide the person with the same notice and the same opportunity for an informal proceeding and a formal hearing as provided to a license holder under Chapter 164 (Disciplinary Actions and Procedures).

SECTION 2. Provides that the change in law made by this Act applies only to a hearing for which notice is provided under Section 165.052, Occupations Code, on or after the effective date of this Act. Provides that a hearing for which notice is provided before the effective date of this Act is governed by the law in effect when the notice is provided, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2011.