

1-1 By: Wentworth S.B. No. 1424  
1-2 (In the Senate - Filed March 10, 2011; March 22, 2011, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 May 6, 2011, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; May 6, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the issuance of cease and desist orders by the Texas  
1-9 Medical Board.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 165.052, Occupations  
1-12 Code, is amended to read as follows:

1-13 (a) If it appears to the board that a person who is not  
1-14 licensed under this subtitle is violating this subtitle, a rule  
1-15 adopted under this subtitle, or another state statute or rule  
1-16 relating to the practice of medicine, the board [~~after notice and~~  
1-17 ~~opportunity for a hearing~~] may issue a cease and desist order  
1-18 prohibiting the person from engaging in the activity. Before  
1-19 issuing the order, the board must provide the person with the same  
1-20 notice and the same opportunity for an informal proceeding and a  
1-21 formal hearing as provided to a license holder under Chapter 164.

1-22 SECTION 2. The change in law made by this Act applies only  
1-23 to a hearing for which notice is provided under Section 165.052,  
1-24 Occupations Code, on or after the effective date of this Act. A  
1-25 hearing for which notice is provided before the effective date of  
1-26 this Act is governed by the law in effect when the notice is  
1-27 provided, and the former law is continued in effect for that  
1-28 purpose.

1-29 SECTION 3. This Act takes effect September 1, 2011.

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