

BILL ANALYSIS

C.S.H.B. 1192
By: Moody
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that recent media reports have suggested that there is a severe shortage of qualified medical examiners available in Texas and that complaints have been made about the difficulty of recruiting physicians with adequate training and experience in forensic pathology to fill medical examiner positions. Current law requires a physician to be licensed by the Texas Medical Board to be eligible for appointment as a medical examiner in certain counties, and leaders in a number of local governments have pointed to this restriction as a significant limiting factor in attracting qualified candidates. C.S.H.B. 1192 seeks to ease that burden by authorizing a physician who is licensed and in good standing in another state and is seeking licensure in Texas to be appointed as a medical examiner in certain counties.

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

C.S.H.B. 1192 amends the Code of Criminal Procedure to authorize the commissioners court of a county that appoints a medical examiner for the county to appoint, in the alternative to a person who is licensed by the Texas Medical Board, a person who is licensed and in good standing as a physician in another state, who has applied to the board for a license to practice medicine in Texas, and who has been granted a provisional license by the board to practice in a location designated by the federal government as a health professional shortage area or designated by the federal or state government as a medically underserved area.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1192 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 2, Article 49.25, Code of Criminal Procedure, is amended to read as follows:

Sec. 2. APPOINTMENTS AND QUALIFICATIONS. The commissioners

HOUSE COMMITTEE SUBSTITUTE

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Sec. 2. APPOINTMENTS AND QUALIFICATIONS. (a) The

court shall appoint the medical examiner, who serves ~~[shall serve]~~ at the pleasure of the commissioners court. A ~~[No]~~ person ~~[shall be]~~ appointed as the medical examiner must be ~~[unless he is]~~ a physician licensed by the Texas Medical ~~[State]~~ Board or a person who is licensed and in good standing as a physician in another state and is seeking licensure in this state ~~[of Medical Examiners]~~.

To the greatest extent possible, the medical examiner shall be appointed from persons having training and experience in pathology, toxicology, histology and other medico-legal sciences.

The medical examiner shall devote the ~~[so much of his]~~ time and energy ~~[as is]~~ necessary to perform ~~[in the performance of]~~ the duties conferred by this Article.

SECTION 2. This Act takes effect September 1, 2013.

commissioners court shall appoint the medical examiner, who serves ~~[shall serve]~~ at the pleasure of the commissioners court. A ~~[No]~~ person ~~[shall be]~~ appointed as the medical examiner must be:

(1) ~~[unless he is]~~ a physician licensed by the Texas Medical ~~[State]~~ Board; or

(2) a person who:

(A) is licensed and in good standing as a physician in another state;

(B) has applied to the Texas Medical Board for a license to practice medicine in this state; and

(C) has been granted a provisional license under Section 155.101, Occupations Code ~~[of Medical Examiners]~~.

(b) To the greatest extent possible, the medical examiner shall be appointed from persons having training and experience in pathology, toxicology, histology and other medico-legal sciences.

(c) The medical examiner shall devote the ~~[so much of his]~~ time and energy ~~[as is]~~ necessary to perform ~~[in the performance of]~~ the duties conferred by this Article.

SECTION 2. Same as introduced version.