

## **BILL ANALYSIS**

C.S.H.B. 1551

By: Vo

Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In the current regulatory structure of combative sports, a variety of participants in the industry, including ringside timekeepers and physicians, must hold a license or registration with the Texas Department of Licensing and Regulation. Interested parties contend that these licenses and registrations are redundant and unnecessary. C.S.H.B. 1551 amends current law to eliminate the licensing and registration requirements for ringside physicians and timekeepers for combative sports events.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 of this bill.

### **ANALYSIS**

C.S.H.B. 1551 amends the Occupations Code to remove combative sports timekeeper and combative sports ringside physician from the roles a person is prohibited from performing unless that person holds a license or registration. The bill redefines "ringside physician" as an individual who has an unrestricted and unlimited license to practice medicine in Texas and who, by agreement, is assigned as the physician for a combative sports event, rather than an individual who is licensed to practice medicine in Texas and who is registered with the Texas Department of Licensing and Regulation (TDLR). The bill replaces the authority of the Texas Commission of Licensing and Regulation to adopt rules establishing practice requirements or specialty certifications that a person licensed to practice medicine in Texas is required to meet to register as a ringside physician with the authority to adopt rules establishing selection criteria and procedures for the assignment of individuals who agree to act as ringside physicians and timekeepers for combative sports events.

C.S.H.B. 1551 dismisses a pending disciplinary or administrative proceeding that is related to a violation of licensing or registration requirements for a timekeeper or ringside physician, as the requirements existed immediately before the bill's effective date. The bill requires an administrative penalty assessed by the commission or the executive director of TDLR related to a violation of provisions relating to combative sports, as the provisions existed immediately before the bill's effective date, to be collected as provided by statutory provisions governing TDLR. The bill requires TDLR, as soon as practicable after the bill's effective date, to return a prorated portion of the fee paid to TDLR for the issuance or renewal of the registration or license to a person who holds a valid registration as a ringside physician or timekeeper.

### **EFFECTIVE DATE**

September 1, 2013.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1551 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 2052.002(20), Occupations Code, is amended to read as follows:

(20) "Ringside physician" means an individual licensed to practice medicine in this state who is assigned as the physician for a combative sports event [~~registered with the department~~].

SECTION 2. Section 2052.052(b), Occupations Code, is amended to read as follows:

(b) The commission may adopt rules:

(1) governing boxing, kickboxing, martial arts, or mixed martial arts contests and exhibitions;

(2) establishing reasonable qualifications for an applicant seeking a license or registration from the department under this chapter;

(3) recognizing a sanction, medical suspension, or disqualification of a licensee or registrant by a combative sports authority in any state, provided that if licensure or registration is denied based on those actions, an applicant has an opportunity for a hearing as prescribed by rule;

(4) establishing selection criteria and procedures for the assignment of ringside physicians and timekeepers for combative sports events [~~practice requirements or specialty certifications that a person licensed to practice medicine in this state must meet to register as a ringside physician~~];

(5) requiring a contestant to present with an application for licensure or license renewal documentation of recent blood test results that demonstrate whether the contestant is free from hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease designated by commission rule and providing that a contestant's failure to provide the required

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 2052.002(20), Occupations Code, is amended to read as follows:

(20) "Ringside physician" means an individual who has an unrestricted and unlimited license [~~licensed~~] to practice medicine in this state and who, by agreement, is assigned as the physician for a combative sports event [~~registered with the department~~].

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(3) recognizing a sanction, medical suspension, or disqualification of a licensee or registrant by a combative sports authority in any state, provided that if licensure or registration is denied based on those actions, an applicant has an opportunity for a hearing as prescribed by rule;

(4) establishing selection criteria and procedures for the assignment of individuals who agree to act as ringside physicians and timekeepers for combative sports events [~~practice requirements or specialty certifications that a person licensed to practice medicine in this state must meet to register as a ringside physician~~];

(5) requiring a contestant to present with an application for licensure or license renewal documentation of recent blood test results that demonstrate whether the contestant is free from hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease designated by commission rule and providing that a contestant's failure to provide the required

blood test results disqualifies the contestant;  
(6) providing that to participate in any event a contestant must be free of hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease designated by rule;  
(7) requiring that a contestant present with an application for licensure or license renewal documentation of the results of a physical examination, including an ophthalmologic examination, and providing for disqualification of a contestant who is determined by an examining physician to be unfit;  
(8) establishing additional responsibilities for promoters; and  
(9) governing regulated amateur events.

SECTION 3. Section 2052.107, Occupations Code, is amended.

SECTION 4. (a) A disciplinary or administrative proceeding pending under Chapter 51 or 2052, Occupations Code, that is related to a violation of licensing or registration requirements for a timekeeper or ringside physician under Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date of this Act is dismissed.

(b) An administrative penalty assessed by the Texas Commission of Licensing and Regulation or the executive director of the Texas Department of Licensing and Regulation under Chapter 2052, Occupations Code, related to a violation of Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date of this Act, may be collected as provided by Chapter 51, Occupations Code.

(c) The change in law made by this Act does not affect the pending prosecution of an offense under Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense

blood test results disqualifies the contestant;  
(6) providing that to participate in any event a contestant must be free of hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease designated by rule;  
(7) requiring that a contestant present with an application for licensure or license renewal documentation of the results of a physical examination, including an ophthalmologic examination, and providing for disqualification of a contestant who is determined by an examining physician to be unfit;  
(8) establishing additional responsibilities for promoters; and  
(9) governing regulated amateur events.

SECTION 3. Same as introduced version.

SECTION 4. (a) A disciplinary or administrative proceeding pending under Chapter 51 or 2052, Occupations Code, that is related to a violation of licensing or registration requirements for a timekeeper or ringside physician under Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date of this Act, is dismissed.

(b) An administrative penalty assessed by the Texas Commission of Licensing and Regulation or the executive director of the Texas Department of Licensing and Regulation under Chapter 2052, Occupations Code, related to a violation of Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date of this Act, may be collected as provided by Chapter 51, Occupations Code.

(c) The change in law made by this Act does not affect the pending prosecution of an offense under Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense

occurred before that date.

(d) Not later than November 1, 2013, the Texas Department of Licensing and Regulation shall return a prorated portion of the fee paid to the department for the issuance or renewal of the registration or license to a person who holds a valid registration as a ringside physician or timekeeper issued under Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2013.

occurred before that date.

(d) As soon as practicable after the effective date of this Act, the Texas Department of Licensing and Regulation shall return a prorated portion of the fee paid to the department for the issuance or renewal of the registration or license to a person who holds a valid registration as a ringside physician or timekeeper issued under Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date of this Act.

SECTION 5. Same as introduced version.