

BILL ANALYSIS

C.S.S.B. 1082
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties point out that there is growing evidence that Texas is suffering from significant health care professional shortages and that physicians currently practicing in Texas are not evenly distributed throughout the state. C.S.S.B. 1082 seeks to help address the state's physician shortage by allowing qualified, out-of-state doctors to more easily obtain a Texas medical license.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Medical Board in SECTIONS 2 and 3 of this bill.

ANALYSIS

C.S.S.B. 1082 amends the Occupations Code to require a physician's public profile created by the Texas Medical Board to include, among other information, the number of attempts taken by the physician to pass each part of the licensing examination. The bill exempts an applicant for a license to practice medicine from the time frame to pass each part of the licensing examination if the applicant is licensed and in good standing as a physician in another state, has been licensed for at least five years, does not hold a medical license in the other state that has or has ever had any restrictions, disciplinary orders, or probation, and will practice in a medically underserved area or a health manpower shortage area. The bill authorizes the board to by rule establish a process to verify that a person who qualifies for such an exemption practices only in a medically underserved area or a health manpower shortage area.

C.S.S.B. 1082 removes provisions requiring an applicant to pass each part of an examination within three attempts and instead requires an applicant to pass each individual part of an examination within five attempts and all parts of an examination collectively within nine attempts. The bill revises the conditions under which an applicant who is licensed and in good standing as a physician in another state, has been licensed for at least five years, and does not hold a medical license in the other state that has any restrictions, disciplinary orders, or probation is exempted from the limitation on examination attempts to remove the condition that the applicant has passed all but one part of the licensing examination within three attempts and either passed the remaining part of the examination within one additional attempt or passed the remaining part of the examination within six attempts if the applicant meets certain certification and postgraduate medical training requirements, and instead includes as a condition that the applicant will practice only in a medically underserved area or a health manpower shortage area. The bill specifies that the applicant's medical license in the other state must not have ever had any restrictions, disciplinary orders, or probation. The bill authorizes the Texas Medical Board by rule to establish a process to verify that a person who qualifies for such an exemption practices only in a medically underserved area or a health manpower shortage area.

C.S.S.B. 1082 repeals statutory provisions relating to additional license eligibility requirements for certain aliens and establishing a limitation on the number of examination attempts for an

applicant who, on September 1, 2005, held a physician-in-training permit or had an application for that permit pending before the board.

C.S.S.B. 1082 repeals Sections 155.0045 and 155.056(c), Occupations Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 1082 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subsection (b), Section 154.006, Occupations Code, is amended.	SECTION 1. Same as engrossed version.
SECTION 2. Section 155.051, Occupations Code, is amended.	SECTION 2. Same as engrossed version.
SECTION 3. Section 155.056, Occupations Code, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows: (a) An applicant must pass: (1) each <u>individual</u> part of an examination within <u>five</u> [three] attempts; <u>and</u> (2) <u>all parts of an examination collectively within nine attempts.</u> (d) The limitation on examination attempts by an applicant under Subsection (a) does not apply to: (1) an applicant who: [(1) is licensed and in good standing as a physician in another state; [(2) has been licensed for at least five years; [(3) does not hold a medical license in the other state that has any restrictions, disciplinary orders, or probation; and [(4) passed all but one part of the examination approved by the board within three attempts and; [(A) passed the remaining part of the examination within one additional attempt; or [(B) passed the remaining part of the	SECTION 3. Section 155.056, Occupations Code, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows: (a) An applicant must pass: (1) each <u>individual</u> part of an examination within <u>five</u> [three] attempts; <u>and</u> (2) <u>all parts of an examination collectively within nine attempts.</u> (d) The limitation on examination attempts by an applicant under Subsection (a) does not apply to an applicant who: (1) is licensed and in good standing as a physician in another state; (2) has been licensed for at least five years; (3) does not hold a medical license in the other state that has, <u>or has ever had,</u> any restrictions, disciplinary orders, or probation; and (4) <u>will practice in a medically underserved area or health manpower shortage area, as those terms are defined by Section 157.052</u> [passed all but one part of the examination approved by the board within three attempts and; [(A) passed the remaining part of the examination within one additional attempt; or [(B) passed the remaining part of the

~~examination within six attempts if the applicant:~~

~~[(i)] is specialty board certified by a specialty board that:~~

~~(A) [(a)] is a member of the American Board of Medical Specialties; or~~

~~(B) [(b)] is approved by the American Osteopathic Association; or~~

~~(2) an applicant who:~~

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

~~(B) has been licensed for at least five years;~~

~~(C) does not hold a medical license in the other state that has or has ever had any restrictions, disciplinary orders, or probation; and~~

~~(D) will practice in a medically underserved area or a health manpower shortage area, as those terms are defined by Section 157.052[; and~~

~~[(ii) has completed in this state an additional two years of postgraduate medical training approved by the board].~~

~~(e) The board may by rule establish a process to verify that a person who, after meeting the requirements of Subsection (d)(2), practices only in an area described by Subsection (d)(2)(D).~~

No equivalent provision.

No equivalent provision.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

~~examination within six attempts if the applicant:~~

~~[(i) is specialty board certified by a specialty board that:~~

~~[(a) is a member of the American Board of Medical Specialties; or~~

~~[(b) is approved by the American Osteopathic Association; and~~

~~[(ii) has completed in this state an additional two years of postgraduate medical training approved by the board].~~

~~(e) The board may by rule establish a process to verify that a person who, after meeting the requirements of Subsection (d), practices only in an area described by Subsection (d)(4).~~

SECTION 4. Sections 155.0045 and 155.056(c), Occupations Code, are repealed.

SECTION 5. The changes in law made by this Act governing the eligibility of a person for a license to practice medicine under Chapter 155, Occupations Code, apply only to an application for a license filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 6. Same as engrossed version.