

By: Duncan

S.B. No. 1079

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of medical radiologic technology;
providing penalties; imposing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 601.002, Occupations Code, is amended by
amending Subdivision (3) and adding Subdivisions (5-a), (10-a), and
(11-a) to read as follows:

(3) "Department" means the ~~[Texas]~~ Department of State
Health Services.

(5-a) "Executive commissioner" means the executive
commissioner of the Health and Human Services Commission.

(10-a) "Radiologist" means a physician specializing
in radiology certified by or board-eligible for the American Board
of Radiology, the American Osteopathic Board of Radiology, the
British Royal College of Radiologists, or the Canadian College of
Physicians and Surgeons.

(11-a) "Registered radiologist assistant" means an
advanced-level medical radiologic technologist, other than a
practitioner, who is registered under Chapter 207 as a radiologist
assistant.

SECTION 2. Sections 601.056(a) and (b), Occupations Code,
are amended to read as follows:

(a) The executive commissioner ~~[board]~~ with the assistance
of other appropriate state agencies shall identify by rule

1 radiologic procedures, other than radiologic procedures described
2 by Subsection (c), that are dangerous or hazardous and that may be
3 performed only by a practitioner, ~~or~~ a medical radiologic
4 technologist certified under this chapter, or a registered
5 radiologist assistant.

6 (b) In adopting rules under Subsection (a), the executive
7 commissioner ~~board~~ may consider whether the radiologic procedure
8 will be performed by a registered nurse, ~~or~~ a licensed physician
9 assistant, or a registered radiologist assistant.

10 SECTION 3. Subtitle C, Title 3, Occupations Code, is
11 amended by adding Chapter 207 to read as follows:

12 CHAPTER 207. REGISTERED RADIOLOGIST ASSISTANTS

13 SUBCHAPTER A. GENERAL PROVISIONS

14 Sec. 207.001. DEFINITIONS. In this chapter:

15 (1) "Board" means the Texas Medical Board.

16 (2) "Direct supervision" means supervision by a
17 radiologist who is present in the facility in which the registered
18 radiologist assistant is performing radiology services and is
19 immediately available to provide assistance and direction while
20 radiology services are being performed.

21 (3) "Immediately available" means in the same physical
22 location or facility in which the services are provided.

23 (4) "Radiologist" means a physician specializing in
24 radiology certified by the American Board of Radiology, the
25 American Osteopathic Board of Radiology, the British Royal College
26 of Radiologists, or the Canadian College of Physicians and
27 Surgeons.

1 (5) "Registered radiologist assistant" means a person
2 who is registered under this chapter as a registered radiologist
3 assistant.

4 SUBCHAPTER B. POWERS AND DUTIES OF BOARD

5 Sec. 207.051. GENERAL POWERS AND DUTIES. The board shall:

6 (1) establish qualifications for a registered
7 radiologist assistant to practice in this state;

8 (2) establish requirements for an examination for
9 registration to practice as a registered radiologist assistant;

10 (3) establish minimum education and training
11 requirements necessary for registration to practice as a registered
12 radiologist assistant;

13 (4) prescribe the application form for registration to
14 practice as a registered radiologist assistant; and

15 (5) develop an approved program of mandatory
16 continuing education and the manner in which attendance at all
17 approved courses, clinics, forums, lectures, programs, or seminars
18 is monitored and recorded.

19 Sec. 207.052. GIFTS, GRANTS, AND DONATIONS. In addition to
20 any fees paid to the board or money appropriated to the board, the
21 board may receive and accept under this chapter a gift, grant,
22 donation, or other item of value from any source, including the
23 United States or a private source.

24 SUBCHAPTER C. PUBLIC INTEREST INFORMATION; COMPLAINT AND

25 INVESTIGATIVE INFORMATION

26 Sec. 207.101. PUBLIC PARTICIPATION. (a) The board shall
27 develop and implement policies that provide the public with a

1 reasonable opportunity to appear before the board and speak on any
2 issue relating to registered radiologist assistants.

3 (b) The executive director of the board shall prepare and
4 maintain a written plan that describes how a person who does not
5 speak English may be provided reasonable access to the board's
6 programs and services under this chapter.

7 Sec. 207.102. PUBLIC INTEREST INFORMATION. (a) The board
8 shall prepare information of public interest describing the
9 functions of the board and the procedures by which complaints are
10 filed and resolved under this chapter.

11 (b) The board shall make the information available to the
12 public and appropriate state agencies.

13 Sec. 207.103. COMPLAINTS. (a) The board by rule shall
14 establish methods by which consumers and service recipients are
15 notified of the name, mailing address, and telephone number of the
16 board for the purpose of directing complaints about registered
17 radiologist assistants to the board.

18 (b) The board shall list with its regular telephone number
19 any toll-free telephone number established under other state law
20 that may be called to present a complaint about a registered
21 radiologist assistant.

22 Sec. 207.104. RECORDS OF COMPLAINTS. (a) The board shall
23 maintain a file on each written complaint filed with the board under
24 this chapter. The file must include:

- 25 (1) the name of the person who filed the complaint;
26 (2) the date the complaint is received by the board;
27 (3) the subject matter of the complaint;

1 (4) the name of each person contacted in relation to
2 the complaint;

3 (5) a summary of the results of the review or
4 investigation of the complaint; and

5 (6) an explanation of the reason the file was closed,
6 if the board closed the file without taking action other than to
7 investigate the complaint.

8 (b) The board shall provide to the person filing the
9 complaint and to each person who is a subject of the complaint a
10 copy of the board's policies and procedures relating to complaint
11 investigation and resolution. A person who reports a complaint by
12 phone shall be given information on how to file a written complaint.

13 (c) The board, at least quarterly and until final
14 disposition of the complaint, shall notify the person filing the
15 complaint and each person who is a subject of the complaint of the
16 status of the investigation unless the notice would jeopardize an
17 undercover investigation.

18 Sec. 207.105. REGISTRATION HOLDER ACCESS TO COMPLAINT
19 INFORMATION. (a) The board shall provide a registration holder who
20 is the subject of a formal complaint filed under this chapter with
21 access to all information in its possession that the board intends
22 to offer into evidence in presenting its case in chief at the
23 contested hearing on the complaint, subject to any other privilege
24 or restriction established by rule, statute, or legal precedent.
25 The board shall provide the information not later than the 30th day
26 after receipt of a written request from the registration holder or
27 the registration holder's counsel, unless good cause is shown for

1 delay.

2 (b) Notwithstanding Subsection (a), the board is not
3 required to provide:

4 (1) board investigative reports;

5 (2) investigative memoranda;

6 (3) the identity of a nontestifying complainant;

7 (4) attorney-client communications;

8 (5) attorney work product; or

9 (6) other material covered by a privilege recognized

10 by the Texas Rules of Civil Procedure or the Texas Rules of
11 Evidence.

12 (c) The provision of information does not constitute a
13 waiver of privilege or confidentiality under this chapter or other
14 law.

15 Sec. 207.106. HEALTH CARE ENTITY REQUEST FOR INFORMATION.
16 On the written request of a health care entity, the board shall
17 provide to the entity:

18 (1) information about a complaint filed against a
19 registration holder that was resolved after investigation by:

20 (A) a disciplinary order of the board; or

21 (B) an agreed settlement; and

22 (2) the basis of and current status of any complaint
23 under active investigation that has been referred by the executive
24 director or the director's designee for legal action.

25 Sec. 207.107. CONFIDENTIALITY OF INVESTIGATIVE
26 INFORMATION. A complaint, adverse report, investigation file, or
27 other report, the identity of and reports made by a physician or

1 registered radiologist assistant performing or supervising
2 compliance monitoring for the board, or other investigative
3 information in the possession of or received or gathered by the
4 board, a board employee, or an agent relating to a registration
5 holder, a registration application, or a criminal investigation or
6 proceeding is privileged and confidential and is not subject to
7 discovery, subpoena, or other means of legal compulsion for release
8 to any person other than the board or a board employee or agent
9 involved in registration holder discipline.

10 Sec. 207.108. PERMITTED DISCLOSURE OF INVESTIGATIVE
11 INFORMATION. (a) Investigative information in the possession of
12 the board, a board employee, or an agent that relates to the
13 discipline of a registration holder may be disclosed to:

14 (1) a licensing authority in another state or a
15 territory or country in which the registration holder is licensed
16 or registered or has applied for a license or registration; or

17 (2) a peer review committee reviewing:

18 (A) an application for privileges; or

19 (B) the qualifications of the registration
20 holder with respect to retaining privileges.

21 (b) If the investigative information in the possession of
22 the board or a board employee or agent indicates a crime may have
23 been committed, the board shall report the information to the
24 proper law enforcement agency. The board shall cooperate with and
25 assist all law enforcement agencies conducting criminal
26 investigations of a registration holder by providing information
27 relevant to the investigation. Confidential information disclosed

1 by the board to a law enforcement agency remains confidential and
2 may not be disclosed by the law enforcement agency except as
3 necessary to further the investigation.

4 Sec. 207.109. IMMUNITY AND REPORTING REQUIREMENTS. (a) A
5 medical peer review committee in this state, a quality assurance
6 committee in this state, a registered radiologist assistant, a
7 registered radiologist assistant student, or a physician
8 practicing medicine in this state shall report relevant information
9 to the board related to the acts of a registered radiologist
10 assistant in this state if, in that person's opinion, a registered
11 radiologist assistant poses a continuing threat to the public
12 welfare through the person's practice as a registered radiologist
13 assistant. The duty to report under this section may not be
14 nullified through contract.

15 (b) A person who, without malice, furnishes records,
16 information, or assistance to the board under this section is
17 immune from any civil liability arising from that action in a suit
18 against the person brought by or on behalf of a registered
19 radiologist assistant who is reported under this section.

20 (c) Sections 160.002, 160.003, 160.006, 160.007, 160.009,
21 160.013, and 160.014 apply to medical peer review regarding a
22 registered radiologist assistant.

23 SUBCHAPTER D. REGISTRATION REQUIREMENTS

24 Sec. 207.151. LICENSE REQUIRED. (a) A person may not
25 practice as a registered radiologist assistant unless the person is
26 registered under this chapter.

27 (b) Unless the person holds a registration under this

1 chapter, a person may not use, in connection with the person's name:

- 2 (1) the title "Registered Radiologist Assistant"; or
3 (2) any other designation that would imply that the
4 person is a registered radiologist assistant.

5 Sec. 207.152. REGISTRATION APPLICATION. An applicant for
6 registration must:

- 7 (1) file a written application with the board on a form
8 prescribed by the board; and
9 (2) pay the application fee set by the board.

10 Sec. 207.153. REGISTRATION ELIGIBILITY. To be eligible for
11 a registration, a person must:

- 12 (1) be a medical radiologic technologist certified
13 under Chapter 601;
14 (2) have a baccalaureate degree, postbaccalaureate
15 certificate, or graduate degree from an advanced academic program
16 encompassing a nationally recognized radiologist assistant
17 curriculum that incorporates a radiologist-directed clinical
18 preceptorship;
19 (3) be certified as a registered radiologist assistant
20 by the American Registry of Radiologic Technologists or be
21 certified as a radiology practitioner assistant by the
22 Certification Board for Radiology Practitioner Assistants; and
23 (4) be credentialed to provide radiology services
24 under the supervision of a radiologist.

25 Sec. 207.154. FEES. (a) The board shall set and collect
26 fees in amounts that are reasonable and necessary to cover the costs
27 of administering and enforcing this chapter without the use of any

1 other funds generated by the board.

2 (b) Fees collected by the board under this chapter shall be
3 deposited by the board in the state treasury to the credit of an
4 account in the general revenue fund and may be spent to cover the
5 costs of administering and enforcing this chapter. At the end of
6 each fiscal biennium, the comptroller shall transfer any surplus
7 money remaining in the account to the general revenue fund.

8 (c) All money paid to the board under this chapter is
9 subject to Subchapter F, Chapter 404, Government Code.

10 Sec. 207.155. ISSUANCE AND RENEWAL OF REGISTRATION. The
11 board shall issue a registered radiologist assistant registration
12 in this state to a person who meets the requirements of this chapter
13 and the rules adopted under this chapter.

14 Sec. 207.156. REGISTRATION RENEWAL. (a) The board by rule
15 shall provide for the annual renewal of a registered radiologist
16 assistant registration.

17 (b) The board by rule may adopt a system under which
18 registrations expire on various dates during the year. For the year
19 in which the registration expiration date is changed, registration
20 fees shall be prorated on a monthly basis so that each registration
21 holder pays only that portion of the registration fee that is
22 allocable to the number of months during which the registration is
23 valid. On renewal of the registration on the new expiration date,
24 the total registration renewal fee is payable.

25 Sec. 207.157. NOTICE OF REGISTRATION RENEWAL. At least 30
26 days before the expiration of a person's registration, the board
27 shall send written notice of the impending registration expiration

1 to the person at the registration holder's last known address
2 according to the records of the board.

3 Sec. 207.158. PROCEDURE FOR RENEWAL. (a) A person who is
4 otherwise eligible to renew a registration may renew an unexpired
5 registration by paying the required renewal fee to the board before
6 the expiration date of the registration. A person whose
7 registration has expired may not engage in activities that require
8 a registration until the registration has been renewed under this
9 section.

10 (b) If the person's registration has been expired for 90
11 days or less, the person may renew the registration by paying to the
12 board one and one-half times the required renewal fee.

13 (c) If the person's registration has been expired for longer
14 than 90 days but less than one year, the person may renew the
15 registration by paying to the board two times the required renewal
16 fee.

17 (d) If the person's registration has been expired for one
18 year or longer, the person may not renew the registration. The
19 person may obtain a new registration by complying with the
20 requirements and procedures for obtaining an original
21 registration.

22 Sec. 207.159. REGISTRATION HOLDER INFORMATION. (a) Each
23 registration holder shall file with the board:

24 (1) the registration holder's mailing address;
25 (2) the address of the registration holder's
26 residence;

27 (3) the mailing address of each of the registration

1 holder's offices; and

2 (4) the address for the location of each of the
3 registration holder's offices if that address is different from the
4 office's mailing address.

5 (b) A registration holder shall:

6 (1) notify the board of a change of the registration
7 holder's residence or business address; and

8 (2) provide the board with the registration holder's
9 new address not later than the 30th day after the date the address
10 change occurs.

11 SUBCHAPTER E. SCOPE OF PRACTICE

12 Sec. 207.201. SCOPE OF PRACTICE. (a) The board shall adopt
13 rules to determine the scope of practice of a registered
14 radiologist assistant. The board shall consider guidelines adopted
15 by the American College of Radiology, the American Society of
16 Radiologic Technologists, and the American Registry of Radiologic
17 Technologists in adopting rules under this subsection

18 (b) A radiologist may use the services of a registered
19 radiologist assistant under the direct supervision of the
20 radiologist.

21 (c) The practice of a registered radiologist assistant may
22 be performed in any place authorized by a delegating radiologist,
23 including a clinic, hospital, health care center, or other
24 institutional setting.

25 (d) A registered radiologist assistant may not interpret
26 images, make diagnoses, or prescribe medications or therapies.

27 Sec. 207.202. ESTABLISHMENT OF CERTAIN FUNCTIONS AND

1 STANDARDS. A registered radiologist assistant and the registered
2 radiologist assistant's delegating radiologist shall ensure that:

3 (1) the registered radiologist assistant's scope of
4 function is identified;

5 (2) the delegation of medical tasks is appropriate to
6 the registered radiologist assistant's level of competence;

7 (3) the relationship between the registered
8 radiologist assistant and the delegating radiologist and the access
9 of the registered radiologist assistant to the delegating
10 radiologist are defined; and

11 (4) a process is established for evaluating the
12 registered radiologist assistant's performance.

13 SUBCHAPTER F. DISCIPLINARY PROCEEDINGS

14 Sec. 207.251. DISCIPLINARY ACTIONS BY THE BOARD. (a) On a
15 determination that an applicant or registration holder committed an
16 act described by Section 207.252, 207.253, or 207.254, the board by
17 order may take any of the following actions:

18 (1) deny the person's registration application or
19 revoke the person's registration;

20 (2) require the person to submit to the care,
21 counseling, or treatment of a health care practitioner designated
22 by the board;

23 (3) stay enforcement of an order and place the person
24 on probation;

25 (4) require the person to complete additional
26 training;

27 (5) suspend, limit, or restrict the person's

1 registration, including:

2 (A) limiting the practice of the person to, or
3 excluding from the person's practice, one or more specified
4 activities of radiologist assisting; or

5 (B) stipulating periodic board review;

6 (6) assess an administrative penalty against the
7 person as provided by Section 207.301;

8 (7) order the person to perform public service; or

9 (8) administer a public reprimand.

10 (b) If the board stays enforcement of an order and places a
11 person on probation, the board retains the right to vacate the
12 probationary stay and enforce the original order for noncompliance
13 with the terms of probation or impose any other remedial measure or
14 sanction authorized by this section.

15 (c) The board may restore or reissue a registration or
16 remove any disciplinary or corrective measure that the board has
17 imposed.

18 Sec. 207.252. CONDUCT RELATED TO FRAUD OR
19 MISREPRESENTATION. The board may take action under Section 207.251
20 against an applicant or registration holder who:

21 (1) fraudulently or deceptively obtains or attempts to
22 obtain a registration;

23 (2) fraudulently or deceptively uses a registration;

24 (3) falsely represents that the person is a
25 radiologist;

26 (4) acts in an unprofessional or dishonorable manner
27 that is likely to deceive, defraud, or injure the public;

1 (5) fraudulently alters any registered radiologist
2 assistant registration, certificate, or diploma;

3 (6) uses any registered radiologist assistant
4 registration, certificate, or diploma that has been fraudulently
5 purchased, issued, or counterfeited or that has been materially
6 altered;

7 (7) directly or indirectly aids or abets the practice
8 as a registered radiologist assistant by any person not registered
9 by the board to practice as a registered radiologist assistant; or

10 (8) unlawfully advertises in a false, misleading, or
11 deceptive manner as defined by Section 101.201.

12 Sec. 207.253. CONDUCT RELATED TO VIOLATION OF LAW. The
13 board may take action under Section 207.251 against an applicant or
14 registration holder who:

15 (1) violates this chapter or a rule adopted under this
16 chapter;

17 (2) is convicted of a felony, placed on deferred
18 adjudication, or placed in a pretrial diversion program; or

19 (3) violates state law if the violation is connected
20 with practice as a registered radiologist assistant.

21 Sec. 207.254. CONDUCT INDICATING LACK OF FITNESS. (a) The
22 board may take action under Section 207.251 against an applicant or
23 registration holder who:

24 (1) habitually uses drugs or intoxicating liquors to
25 the extent that, in the board's opinion, the person cannot safely
26 perform as a registered radiologist assistant;

27 (2) has been adjudicated as mentally incompetent;

1 (3) has a mental or physical condition that renders
2 the person unable to safely perform as a registered radiologist
3 assistant;

4 (4) has committed an act of moral turpitude;

5 (5) has failed to practice as a registered radiologist
6 assistant in an acceptable manner consistent with public health and
7 welfare;

8 (6) has had the person's registration or other
9 authorization to practice as a registered radiologist assistant
10 suspended, revoked, or restricted;

11 (7) has had other disciplinary action taken by another
12 state or by the uniformed services of the United States regarding
13 practice as a registered radiologist assistant;

14 (8) is removed or suspended or has disciplinary action
15 taken by the person's peers in any professional association or
16 society or is being disciplined by a licensed hospital or medical
17 staff of a hospital, including removal, suspension, limitation of
18 privileges, or other disciplinary action, if that action, in the
19 opinion of the board, was based on unprofessional conduct or
20 professional incompetence that was likely to harm the public;

21 (9) has repeated or recurring meritorious health care
22 liability claims that, in the board's opinion, are evidence of
23 professional incompetence likely to harm the public; or

24 (10) sexually abuses or exploits another person during
25 the registration holder's practice as a registered radiologist
26 assistant.

27 (b) For the purpose of Subsection (a)(7), a certified copy

1 of the record of the state or uniformed services of the United
2 States taking the action constitutes conclusive evidence of that
3 action.

4 (c) An action described by Subsection (a)(8) does not
5 constitute state action on the part of the association, society, or
6 hospital medical staff.

7 Sec. 207.255. SUBPOENA. (a) The executive director, the
8 director's designee, or the secretary-treasurer of the board may
9 issue a subpoena or subpoena duces tecum:

10 (1) to conduct an investigation or a contested case
11 proceeding related to:

12 (A) alleged misconduct by a registered
13 radiologist assistant;

14 (B) an alleged violation of this chapter or
15 another law related to the practice of a registered radiologist
16 assistant; or

17 (C) the provision of health care under this
18 chapter;

19 (2) for purposes of determining whether to issue,
20 suspend, restrict, or revoke a registration under this chapter; or

21 (3) for purposes of determining whether to issue or
22 deny a registration under this chapter.

23 (b) Failure to timely comply with a subpoena issued under
24 this section is a ground for:

25 (1) disciplinary action by the board or another
26 licensing or regulatory agency with jurisdiction over the person
27 subject to the subpoena; and

1 (2) denial of a registration application.

2 Sec. 207.256. PROTECTION OF PATIENT IDENTITY. In a
3 disciplinary investigation or proceeding conducted under this
4 chapter, the board shall protect the identity of each patient whose
5 medical records are examined and used in a public proceeding unless
6 the patient:

7 (1) testifies in the public proceeding; or

8 (2) submits a written release in regard to the
9 patient's records or identity.

10 Sec. 207.257. RULES FOR DISCIPLINARY PROCEEDINGS. Rules of
11 practice adopted under this chapter by the board under Section
12 2001.004, Government Code, applicable to the proceedings for a
13 disciplinary action may not conflict with rules adopted by the
14 State Office of Administrative Hearings.

15 Sec. 207.258. REQUIRED SUSPENSION OF INCARCERATED
16 REGISTERED RADIOLOGIST ASSISTANT. Regardless of the offense, the
17 board shall suspend the registration of a registered radiologist
18 assistant serving a prison term in a state or federal penitentiary
19 during the term of the incarceration.

20 Sec. 207.259. TEMPORARY SUSPENSION. (a) The president of
21 the board, with board approval, shall appoint a three-member
22 disciplinary panel consisting of board members to determine whether
23 a registered radiologist assistant's registration should be
24 temporarily suspended.

25 (b) If the disciplinary panel determines from the evidence
26 or information presented to the panel that a person registered to
27 practice as a registered radiologist assistant would, by the

1 person's continuation in practice, constitute a continuing threat
2 to the public welfare, the disciplinary panel shall temporarily
3 suspend the registration of that person.

4 (c) A registration may be suspended under this section
5 without notice or hearing on the complaint if:

6 (1) institution of proceedings for a hearing before
7 the board is initiated simultaneously with the temporary
8 suspension; and

9 (2) a hearing is held under Chapter 2001, Government
10 Code, and this chapter as soon as possible.

11 (d) Notwithstanding Chapter 551, Government Code, the
12 disciplinary panel may hold a meeting by telephone conference call
13 if immediate action is required and convening the disciplinary
14 panel at one location is inconvenient for any member of the panel.

15 SUBCHAPTER G. ADMINISTRATIVE PENALTY

16 Sec. 207.301. ADMINISTRATIVE PENALTY. (a) The board by
17 order may impose an administrative penalty against a person
18 registered under this chapter who violates this chapter or a rule or
19 order adopted under this chapter.

20 (b) The penalty may be in an amount not to exceed \$5,000.
21 Each day a violation continues or occurs is a separate violation for
22 purposes of imposing a penalty.

23 (c) The board shall base the amount of the penalty on:

24 (1) the severity of patient harm;

25 (2) the severity of economic harm to any person;

26 (3) the severity of any environmental harm;

27 (4) the increased potential for harm to the public;

- 1 (5) any attempted concealment of misconduct;
2 (6) any premeditated or intentional misconduct;
3 (7) the motive for the violation;
4 (8) any prior misconduct of a similar or related
5 nature;
6 (9) the registration holder's disciplinary history;
7 (10) any prior written warnings or written
8 admonishments from any government agency or official regarding
9 statutes or rules relating to the misconduct;
10 (11) whether the violation is of a board order;
11 (12) the person's failure to implement remedial
12 measures to correct or mitigate harm from the misconduct;
13 (13) the person's lack of rehabilitative potential or
14 likelihood of future misconduct of a similar nature;
15 (14) any relevant circumstances increasing the
16 seriousness of the misconduct; and
17 (15) any other matter that justice may require.

18 (d) The board by rule shall prescribe the procedures by
19 which it may impose an administrative penalty. A proceeding under
20 this section is subject to Chapter 2001, Government Code.

21 (e) If the board by order determines that a violation has
22 occurred and imposes an administrative penalty, the board shall
23 give notice to the person of the order. The notice must include a
24 statement of the person's right to judicial review of the order.

25 SECTION 4. Not later than January 1, 2014, the Texas Medical
26 Board shall adopt the rules and procedures necessary to administer
27 Chapter 207, Occupations Code, as added by this Act.

1 SECTION 5. Notwithstanding Chapter 207, Occupations Code,
2 as added by this Act, a registered radiologist assistant is not
3 required to hold a registration under that chapter to practice as a
4 registered radiologist assistant in this state before September 1,
5 2014.

6 SECTION 6. This Act takes effect September 1, 2013.