

By: Rodriguez, et al.
(Zerwas)

S.B. No. 1082

Substitute the following for S.B. No. 1082:

By: Guerra

C.S.S.B. No. 1082

A BILL TO BE ENTITLED

AN ACT

relating to eligibility requirements for certain applicants for a
license to practice medicine.

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

SECTION 1. Subsection (b), Section 154.006, Occupations
Code, is amended to read as follows:

(b) A profile must contain the following information on each
physician:

(1) the name of each medical school attended and the
dates of:

(A) graduation; or

(B) Fifth Pathway designation and completion of
the Fifth Pathway Program;

(2) a description of all graduate medical education in
the United States or Canada;

(3) the number of attempts taken by the physician to
pass each part of the licensing examination required under Section
155.051;

(4) any specialty certification held by the physician
and issued by a medical licensing board that is a member of the
American Board of Medical Specialties or the Bureau of Osteopathic
Specialists;

(5) [~~4~~] the number of years the physician has
actively practiced medicine in:

(A) the United States or Canada; and

(B) this state;

(6) [~~(5)~~] the name of each hospital in this state in which the physician has privileges;

(7) [~~(6)~~] the physician's primary practice location;

(8) [~~(7)~~] the type of language translating services, including translating services for a person with impairment of hearing, that the physician provides at the physician's primary practice location;

(9) [~~(8)~~] whether the physician participates in the Medicaid program;

(10) [~~(9)~~] a description of any conviction for a felony, a Class A or Class B misdemeanor, or a Class C misdemeanor involving moral turpitude;

(11) [~~(10)~~] a description of any charges reported to the board to which the physician has pleaded no contest, for which the physician is the subject of deferred adjudication or pretrial diversion, or in which sufficient facts of guilt were found and the matter was continued by a court;

(12) [~~(11)~~] a description of any disciplinary action against the physician by the board;

(13) [~~(12)~~] a description of any disciplinary action against the physician by a medical licensing board of another state;

(14) [~~(13)~~] a description of the final resolution taken by the board on medical malpractice claims or complaints required to be opened by the board under Section 164.201;

1 (15) [~~(14)~~] whether the physician's patient service
2 areas are accessible to disabled persons, as defined by federal
3 law;

4 (16) [~~(15)~~] a description of any formal complaint
5 against the physician initiated and filed under Section 164.005 and
6 the status of the complaint; and

7 (17) [~~(16)~~] a description of any medical malpractice
8 claim against the physician, not including a description of any
9 offers by the physician to settle the claim, for which the physician
10 was found liable, a jury awarded monetary damages to the claimant,
11 and the award has been determined to be final and not subject to
12 further appeal.

13 SECTION 2. Section 155.051, Occupations Code, is amended by
14 adding Subsections (d) and (e) to read as follows:

15 (d) The time frame to pass each part of the examination does
16 not apply to an applicant who:

17 (1) is licensed and in good standing as a physician in
18 another state;

19 (2) has been licensed for at least five years;

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

23 (4) will practice in a medically underserved area or a
24 health manpower shortage area, as those terms are defined by
25 Section 157.052.

26 (e) The board may by rule establish a process to verify that
27 a person, after meeting the requirements of Subsection (d),

practices only in an area described by Subsection (d)(4).

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 individual part of an examination within five ~~[three]~~ attempts; and

(2) all parts of an examination collectively within nine attempts.

(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, or has ever had, any restrictions, disciplinary orders, or probation; and

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

1 ~~[(a) is a member of the American Board~~
2 ~~of Medical Specialties; or~~
3 ~~[(b) is approved by the American~~
4 ~~Osteopathic Association; and~~
5 ~~[(ii) has completed in this state an~~
6 ~~additional two years of postgraduate medical training approved by~~
7 ~~the board].~~

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

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

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

20 SECTION 6. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2013.