

Amend CSHB 2510 (house committee report) as follows:

(1) Strike page 182, line 21, through page 183, line 7, and substitute the following:

(A) the certification program required by Subchapter C, including minimum standards for issuing, renewing, suspending, canceling, or revoking a certificate;

(B) certification renewal dates;

(C) the registry required by Subchapter E;

(D) grounds for disciplinary actions;

(E) procedures for disciplinary proceedings;

(F) procedures for non-disciplinary remedial plans;

(G) minimum standards for approving and rescinding approval of curricula and education programs to train individuals, registered nurses, and physician assistants to perform radiologic procedures;

(H) minimum standards for approving and rescinding approval of instructors to teach approved curricula or education programs to train individuals to perform radiologic procedures;

(I) procedures for requiring an applicant for or holder of a certificate to submit to:

(i) an examination of the applicant's or holder's physical or mental health; and

(ii) screening for alcohol or substance abuse or behavioral issues; and

(J) procedures for making a confidential referral to the Texas Physician Health Program established under Chapter 167, and for requiring participation in the program as a prerequisite for issuing or maintaining a certificate under this chapter or approval under Section 601.054 or 601.055;

(2) On page 204, line 14, between "suspend," and "revoke,", insert "restrict,".

(3) On page 206, strike line 16 and substitute the following:

Sec. 601.304. ADMINISTRATIVE PROCEDURE FOR CONTESTED CASE HEARING. For a contested case hearing in which a formal complaint

has been filed under this chapter, the ~~[The]~~ procedure by

(4) On page 211, between lines 20 and 21, insert the following:

(f) Section 601.275 applies to an investigation file and investigative information in the possession of or used by the advisory board in an informal proceeding under this section.

(5) On page 226, between lines 19 and 20, insert the following:

(c) Except as otherwise provided by this chapter, the advisory committee is subject to Chapters 551, 552, and 2001, Government Code.

(d) A majority of the advisory committee members constitutes a quorum for all purposes except when advisory committee members are participating in a proceeding of the medical board as described by Section 602.151(b).

(6) On page 226, line 26, between "DUTIES." and "The", insert "(a)".

(7) On page 227, line 4, strike the semicolon and substitute the following:

, including:

(A) procedural rules governing investigations, informal hearings, the issuance of cease and desist orders, and disciplinary sanctions; and

(B) rules governing character and conduct for applicants or license holders and fitness to practice medical physics in this state;

(8) On page 227, strike lines 7 and 8 and substitute the following:

physicist to practice in this state and the fitness of each applicant for a license or license renewal;

(9) On page 227, strike lines 14 through 19, and substitute the following:

(5) prescribe the application form for a license under this chapter;

(6) issue, deny, renew, revoke, restrict, ~~[and]~~ suspend, or accept the surrender of a license ~~[licenses]~~;

(7) charge fees that are reasonable and necessary to

cover the costs of administering this chapter [~~adopt and publish a code of ethics~~]; [~~and~~]

(8) conduct informal hearings [~~on complaints~~] concerning violations of this chapter or rules adopted under this chapter;

(9) issue disciplinary sanctions, including agreed orders and non-disciplinary remedial plans; and

(10) establish procedures for making a confidential referral to the Texas Physician Health Program established under Chapter 167, and for requiring participation in the program as a prerequisite for issuing or maintaining a license under this chapter.

(b) The medical board may include any member of the advisory committee in a proceeding of the medical board related to a power or duty described by Subsection (a) if the medical board considers the expertise of the advisory committee member to be beneficial in the proceeding.

(10) On page 240, line 23, strike "shall" and substitute "may [~~shall~~]".

(11) On page 240, line 24, strike "suspend" and substitute "suspend, restrict,".

(12) On page 241, strike lines 16 through 19 and substitute the following:

Sec. 602.252. ADMINISTRATIVE PROCEDURE FOR CONTESTED CASE HEARING. Chapter [~~Chapters~~] 2001 [~~and 2002~~], Government Code, and medical board rules for a contested case hearing apply to a proceeding by the medical board under this chapter in which a formal complaint has been filed [~~subchapter~~].

(13) On page 242, between lines 8 and 9, insert the following:

(c) Chapters 551 and 552, Government Code, do not apply to an investigation file and investigative information in the possession of or used by the medical board in an informal proceeding under this section.

(14) On page 251, strike lines 7 through 24 and substitute the following:

(1) establish the qualifications for a perfusionist to

practice in this state, including rules governing character and conduct for applicants or license holders and fitness of applicants or license holders to practice [~~for licenses, including renewed and reciprocal licenses~~];

(2) issue, revoke, restrict, suspend, [~~or~~] deny, or accept the surrender of a license [~~, probate a license suspension, or reprimand a license holder for a violation of this chapter, a rule adopted by the executive commissioner under this chapter, or the code of ethics adopted by the executive commissioner~~];

(3) charge fees that are reasonable and necessary to cover the costs of administering this chapter [~~spend money necessary to administer the department's duties~~];

(4) establish requirements for an examination for a license under this chapter [~~request and receive necessary assistance from another state agency, including a state educational institution~~];

(5) establish minimum education and training requirements necessary for a license under this chapter [~~adopt an official seal~~]; [~~and~~]

(6) prescribe the application form for a license under this chapter;

(7) adopt and publish a [~~the~~] code of ethics;

(8) establish procedural rules governing investigations, informal hearings, the issuance of cease and desist orders, and disciplinary sanctions;

(9) conduct informal hearings concerning violations of this chapter or rules adopted under this chapter;

(10) issue disciplinary sanctions, including agreed orders and non-disciplinary remedial plans; and

(11) establish procedures for making a confidential referral to the Texas Physician Health Program established under Chapter 167, and for requiring participation in the program as a prerequisite for issuing or maintaining a license under this chapter [~~adopted by the executive commissioner~~].

(15) On page 268, strike lines 21 and 22 and substitute the following:

medical board may [~~department shall~~]:

(1) revoke, restrict, or suspend the license;

(16) On page 269, strike lines 3 through 10 and substitute the following:

Sec. 603.402. CONTESTED CASE HEARING. Chapter 2001, Government Code, and medical board rules for a contested case hearing apply to a proceeding by the medical board under this chapter in which a formal complaint has been filed [~~(a) If the department proposes to revoke, suspend, or refuse to renew a person's license, the person is entitled to a hearing before a hearings officer appointed by the State Office of Administrative Hearings~~].

~~[(b) The executive commissioner shall prescribe procedures for appealing to the department a decision to revoke, suspend, or refuse to renew a license.]~~

(17) On page 271, between lines 3 and 4, insert the following:

(c) Chapters 551 and 552, Government Code, do not apply to an investigation file and investigative information in the possession of or used by the medical board in an informal proceeding under this section.

(18) On page 283, strike line 27.

(19) On page 284, between lines 2 and 3, insert the following:

(C) standards of conduct and fitness for respiratory care practitioners;

(D) grounds for disciplinary actions;

(E) procedures for disciplinary proceedings;

(F) guidelines for the issuance of sanctions;

(G) procedures for non-disciplinary remedial plans; and

(H) procedures for requiring an applicant for or holder of a certificate or temporary permit to submit to:

(i) an examination of the applicant's or holder's physical or mental health; and

(ii) screening for alcohol or substance abuse or behavioral issues;

(20) On page 284, line 5, strike "issue" and substitute

"procedures for the issuance or renewal of".

(21) On page 284, line 6, between "suspend," and "or", insert "restrict,".

(22) On page 284, line 10, between "any" and "action", insert "other".

(23) On page 286, strike lines 12 through 15 and substitute the following:

Sec. 604.055. PEER ASSISTANCE PROGRAM. The advisory board [~~department~~] may use the Texas Physician Health Program established under Chapter 167 as the advisory board's [~~establish, approve, and fund a~~] peer assistance program [~~in accordance with Section 467.003, Health and Safety Code, and department rules~~]. The advisory board by rule may establish procedures for making a confidential referral to the Texas Physician Health Program and for requiring participation in the program as a prerequisite for issuing or maintaining a certificate or temporary permit under this chapter.

(24) On page 301, line 18, following "basis,", add "restrict,".

(25) On page 302, line 17, strike "or" and substitute "[or]".

(26) On page 302, line 19, strike the period and substitute the following:

; or

(9) has violated:

(A) a rule adopted under this chapter;

(B) an order of the advisory board previously entered in a disciplinary proceeding; or

(C) an order to comply with a subpoena issued under this chapter.

(27) On page 304, strike line 10 and substitute the following:

Sec. 604.203. ADMINISTRATIVE [~~DISCIPLINARY~~] PROCEDURE FOR CONTESTED CASE HEARING. For a contested case hearing in which a formal complaint has been filed under this chapter, the [~~The~~] procedure by

(28) On page 308, between lines 1 and 2, insert the

following:

(f) Section 604.175 applies to an investigation file and investigative information in the possession of or used by the advisory board in an informal proceeding under this section.

(29) Add the following appropriately numbered SECTION to Article 9 of the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 167, Occupations Code, is amended by adding Section 167.0091 to read as follows:

Sec. 167.0091. REFERRALS FOR CERTAIN PROFESSIONS. Notwithstanding any other provision of this chapter, the board, the Texas Board of Medical Radiologic Technology, or the Texas Board of Respiratory Care, as appropriate, may make a referral to the program and require participation in the program as a prerequisite for issuing or maintaining a license, certificate, permit, or other authorization under Chapter 601, 602, 603, or 604.