

Amend CSSB 1148 (senate committee report) as follows:

(1) Strike SECTION 2 of the bill, adding Section 151.002(a)(6-b), Occupations Code (page 2, lines 20-28), and substitute the following:

SECTION 2. Section 151.002(a), Occupations Code, is amended by adding Subdivision (6-b) to read as follows:

(6-b) "Maintenance of certification" means the satisfactory completion of periodic recertification requirements that are required for a physician to maintain certification after initial certification from:

(A) a medical specialty member board of the American Board of Medical Specialties;

(B) a medical specialty member board of the American Osteopathic Association Bureau of Osteopathic Specialists;

(C) the American Board of Oral and Maxillofacial Surgery; or

(D) any other certifying board that is recognized by the Texas Medical Board.

(2) Strike SECTION 3 of the bill, adding Section 151.006, Occupations Code (page 2, lines 29-35), and substitute the following:

SECTION 3. Subchapter A, Chapter 151, Occupations Code, is amended by adding Section 151.006 to read as follows:

Sec. 151.006. CERTIFICATION OF MEDICAL SPECIALTY.

(a) Notwithstanding any law other than Subsection (b), a physician is considered a board-certified medical specialist in this state if the physician receives initial certification, regardless of the physician's maintenance of certification, from:

(1) a medical specialty member board of the American Board of Medical Specialties;

(2) a medical specialty member board of the American Osteopathic Association Bureau of Osteopathic Specialists;

(3) the American Board of Oral and Maxillofacial Surgery; or

(4) any other certifying board that is recognized by the Texas Medical Board.

(b) Subsection (a) does not apply to a physician:

(1) who holds a medical license that is currently restricted or suspended for cause or has been canceled for cause or revoked by any state, a province of Canada, or a uniformed service of the United States;

(2) who is under an investigation or against whom a proceeding is instituted that may result in a restriction, cancellation, suspension, or revocation of the physician's medical license in any state, a province of Canada, or a uniformed service of the United States; or

(3) who has a prosecution that is pending against the physician in any state, federal, or Canadian court for any offense that under the laws of this state is a misdemeanor involving moral turpitude or a felony.

(3) In SECTION 4 of the bill, strike added Section 151.0515(a), Occupations Code (page 2, lines 39-44), and substitute the following:

(a) Except as provided by Subsection (b), the following entities may not differentiate between physicians based on a physician's maintenance of certification:

(1) a health facility that is licensed under Subtitle B, Title 4, Health and Safety Code, if the facility has an organized medical staff or a process for credentialing physicians;

(2) a hospital that is owned or operated by this state;

(3) an institution or program that is owned, operated, or licensed by this state, including an institution or program that directly or indirectly receives state financial assistance, if the institution or program has an organized medical staff or a process for credentialing physicians on its staff; or

(4) an institution or program that is owned, operated, or licensed by a political subdivision of this state, if the institution or program has an organized medical staff or a process for credentialing physicians on its staff.

(4) In SECTION 4 of the bill, in added Section 151.0515(d), Occupations Code (page 2, line 60), strike "a hospital or other provider" and substitute "an entity described by Subsection (a)".

(5) In SECTION 7 of the bill, in added Section 170.003(b),

Occupations Code (page 3, line 31), strike "and".

(6) In SECTION 7 of the bill, in added Section 170.003(b), Occupations Code (page 3, between lines 31 and 32), insert the following and renumber subsequent subdivisions accordingly:

(4) an online resource for the consumer to verify the maintenance of certification of its members;

(5) that the applicant has a permanent headquarters and staff;

(6) that the applicant has written proof of a determination by the Internal Revenue Service that the agency is tax exempt under Section 501(c), Internal Revenue Code of 1986;

(7) that the applicant has written bylaws, a code of ethics to guide the practice of its members, and a disciplinary system providing for revocation of certification based upon violations of such bylaws or ethical guidelines;

(8) that the applicant has an internal review and control process, including budgetary practices, to ensure effective use of resources;

(9) that the applicant has the ability to provide a full explanation of its recertification process upon request by the board; and

(7) In SECTION 7 of the bill, in added Section 170.004, Occupations Code (page 3, line 34), between "." and "The" insert (a).

(8) In SECTION 7 of the bill, in added Section 170.004(3), Occupations Code (page 3, line 41), strike "Sections 170.005 and 170.006" and substitute "Section 170.005".

(9) In SECTION 7 of the bill, in added Section 170.004, Occupations Code (page 3, between lines 41 and 42), insert the following:

(b) The board shall within 180 days issue a certificate to an applicant that meets the requirements of this chapter.

(10) In SECTION 7 of the bill, in added Section 170.005(1), Occupations Code (page 3, line 46), between "to" and "complete", insert the following:

:

(A) be licensed in this state with a full and

unrestricted license; and

(B)

(11) In SECTION 7 of the bill, in added Section 170.005, Occupations Code (page 3, line 48), strike "and", substitute the following subdivision, and renumber subsequent subdivisions accordingly:

(2) may not deny an application by a physician seeking maintenance of certification if the physician is considered a board-certified medical specialist in this state for purposes of Section 151.006; and

(12) In SECTION 7 of the bill, in added Section 170.005(2), Occupations Code (page 3, line 50), after "entity to", insert "provide confidential patient records or".

(13) In SECTION 7 of the bill, strike added Section 170.006, Occupations Code (page 3, lines 53-61), and renumber subsequent sections of added Chapter 170, Occupations Code, accordingly.

(14) In SECTION 7 of the bill, in added Section 170.007, Occupations Code (page 3, lines 66-67), strike "maintenance of certification" and substitute "initial board certification".

(15) In SECTION 7 of the bill, in added Chapter 170, Occupations Code (page 3, between lines 67 and 68), insert the following appropriately numbered section:

Sec. . CONFIDENTIALITY. (a) Except as provided by Subsection (b), information that is used, maintained, or compiled by a holder of a certificate issued under this chapter regarding an application by a physician for maintenance of certification is confidential and not subject to subpoena or discovery.

(b) The board may obtain records from a holder of a certificate issued under this chapter only for the purposes of verifying maintenance of certification by a physician.