

BILL ANALYSIS

C.S.H.B. 986
By: Guerra
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that licensed physicians travel with athletic teams across state lines on a regular basis but that it is possible that those physicians are not licensed in Texas. The parties have expressed a need to provide out-of-state team physicians a pathway for compliance with Texas licensure laws. C.S.H.B. 986 seeks to provide for that compliance by exempting such physicians who are actively licensed in another state from Texas licensure under certain conditions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 986 amends the Occupations Code to exempt a person from the licensing requirements of the Medical Practice Act and to authorize a person to engage in the practice of medicine in Texas if the person is employed or designated as a team physician by a sports team visiting Texas for a specific sporting event, is licensed to practice medicine in the team's home state, and limits the person's practice of medicine in Texas to treating, during the period beginning on the date the team arrives in Texas for the event and ending on the 10th day after the date of the event, the team's members, coaches, and staff and such a person's family member who is visiting Texas for the event. The bill exempts a sports team physician engaged in the practice of medicine as authorized by the bill from statutory provisions relating to athletic trainers.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 986 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter B, Chapter 151, Occupations Code, is amended by adding Section 151.0521 to read as follows:

Sec. 151.0521. EXEMPTION FOR SPORTS TEAM PHYSICIAN. A person is exempt from the licensing requirements of this subtitle and may engage in the practice of medicine in this state if the person:

(1) is employed or designated as a team physician by a professional or intercollegiate sports team visiting this state for a specific sporting event;

(2) is licensed to practice medicine in the team's home state; and

(3) limits the person's practice of medicine in this state to treating, during the period beginning on the date the team arrives in this state for the event and ending on the 10th day after the date of the event:

(A) the members, coaches, and staff of the team; and

(B) a family member of a person described by Paragraph (A) if the family member is visiting this state for the event.

SECTION 2. Section 451.003, Occupations Code, is amended to read as follows:

Sec. 451.003. APPLICABILITY. This chapter does not apply to:

(1) a physician licensed by the Texas Medical Board or engaged in the practice of medicine as authorized by Section 151.0521;

(2) a dentist, licensed under the laws of this state, engaged in the practice of dentistry;

(3) a licensed optometrist or therapeutic optometrist engaged in the practice of optometry or therapeutic optometry as defined by statute;

(4) an occupational therapist engaged in the practice of occupational therapy;

(5) a nurse engaged in the practice of nursing;

(6) a licensed podiatrist engaged in the practice of podiatry as defined by statute;

(7) a physical therapist engaged in the practice of physical therapy;

(8) a registered massage therapist engaged in the practice of massage therapy;

(9) a commissioned or contract physician, physical therapist, or physical therapist assistant in the United States Army, Navy, Air Force, or Public Health Service; or

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 151, Occupations Code, is amended by adding Section 151.0521 to read as follows:

Sec. 151.0521. EXEMPTION FOR SPORTS TEAM PHYSICIAN. A person is exempt from the licensing requirements of this subtitle and may engage in the practice of medicine in this state if the person:

(1) is employed or designated as a team physician by a sports team visiting this state for a specific sporting event;

(2) is licensed to practice medicine in the team's home state; and

(3) limits the person's practice of medicine in this state to treating, during the period beginning on the date the team arrives in this state for the event and ending on the 10th day after the date of the event:

(A) the members, coaches, and staff of the team; and

(B) a family member of a person described by Paragraph (A) if the family member is visiting this state for the event.

SECTION 2. Section 451.003, Occupations Code, is amended to read as follows:

Sec. 451.003. APPLICABILITY. This chapter does not apply to:

(1) a physician licensed by the Texas Medical Board or engaged in the practice of medicine as authorized by Section 151.0521;

(2) a dentist, licensed under the laws of this state, engaged in the practice of dentistry;

(3) a licensed optometrist or therapeutic optometrist engaged in the practice of optometry or therapeutic optometry as defined by statute;

(4) an occupational therapist engaged in the practice of occupational therapy;

(5) a nurse engaged in the practice of nursing;

(6) a licensed podiatrist engaged in the practice of podiatry as defined by statute;

(7) a physical therapist engaged in the practice of physical therapy;

(8) a registered massage therapist engaged in the practice of massage therapy;

(9) a commissioned or contract physician, physical therapist, or physical therapist assistant in the United States Army, Navy, Air Force, or Public Health Service; or

(10) an athletic trainer who does not live in this state ~~and [;] who meets the requirements of Section 451.004 [is licensed, registered, or certified by an authority recognized by the department, and who provides athletic training in this state for a period determined by the department].~~

SECTION 3. Subchapter A, Chapter 451, Occupations Code, is amended by adding Section 451.004 to read as follows:

Sec. 451.004. EXEMPTION FOR SPORTS TEAM ATHLETIC TRAINER. A person is exempt from this chapter if the person:

(1) is employed or designated as a team athletic trainer by a professional or intercollegiate sports team visiting this state for a specific sporting event;

(2) is licensed, registered, or certified as an athletic trainer in the team's home state; and

(3) limits the person's practice of athletic training in this state to providing, during the period beginning on the date the team arrives in this state for the event and ending on the 10th day after the date of the event, athletic training to:

(A) the members, coaches, and staff of the team; and

(B) a family member of a person described by Paragraph (A) if the family member is visiting this state for the event.

SECTION 4. This Act takes effect September 1, 2017.

(10) an athletic trainer who does not live in this state, who is licensed, registered, or certified by an authority recognized by the department, and who provides athletic training in this state for a period determined by the department.

No equivalent provision.

SECTION 3. Same as introduced version.