

## **BILL ANALYSIS**

S.B. 1625  
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Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that there are insufficient protections in place to prevent physician assistants from being suspended, terminated, or otherwise disciplined, discriminated against, or retaliated against for refusing to engage in conduct that constitutes grounds for reporting the physician assistant to the Texas Physician Assistant Board or that violates the Physician Assistant Licensing Act or a rule adopted under that act. S.B. 1625 seeks to protect physician assistants who refuse to engage in such conduct and to address certain other issues relating to the licensing and regulation of physician assistants.

### **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**

S.B. 1625 amends the Occupations Code to authorize the Texas Physician Assistant Board to conduct deliberations relating to a license application or disciplinary action in an executive session after hearing all evidence and arguments in an open meeting. The bill revises requirements for a board member training program. The bill's provisions relating to a board member training program apply to a member of the board appointed before, on, or after the bill's effective date. The bill requires a board member who, before the bill's effective date, completed the training program required under the law as it existed before the bill's effective date to complete additional training only on the subjects added to the training program by the bill and prohibits such a board member from voting, deliberating, or being counted as a member in attendance at a meeting of the board held on or after December 1, 2017, until the member completes the additional training.

S.B. 1625 requires the physician assistant board to require an applicant for a license issued under the Physician Assistant Licensing Act to submit a complete and legible set of fingerprints, on a form prescribed by the board, to the board or to the Department of Public Safety (DPS) for the purpose of obtaining criminal history record information from DPS and the Federal Bureau of Investigation (FBI). The bill prohibits the board from issuing a license to a person who does not comply with that requirement and requires the board to conduct a criminal history record information check of each applicant for a license using the set of fingerprints and information made available to the board by DPS, the FBI, and any other criminal justice agency. The bill authorizes the board to enter into an agreement with DPS to administer the criminal history record information check and to authorize DPS to collect from each applicant the costs incurred

by DPS in conducting the criminal history record information check. The bill removes the requirement that an applicant for a license under the act be of good moral character to be eligible for the license and makes such a license valid for a term of one or two years, as determined by board rule.

S.B. 1625 requires an applicant for renewal of such a license to submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the applicant and authorizes the physician assistant board to administratively suspend or refuse to renew the license of a person who does not comply with that requirement. Such a license holder is expressly not required to submit fingerprints as required by the bill for the renewal of the license if the holder has previously submitted fingerprints for the initial issuance of the license or as part of a prior license renewal. The bill requires the board, not later than September 1, 2019, to obtain criminal history record information on each person who, on the bill's effective date, holds a license and did not undergo a criminal history record information check based on the license holder's fingerprints on the initial application for the license. The bill authorizes the board to suspend the license of a license holder who does not provide the required criminal history record information. The bill authorizes the board to refuse to renew a license if the license holder is in violation of a physician assistant board order.

S.B. 1625 prohibits a person from suspending, terminating, or otherwise disciplining, discriminating against, or retaliating against a physician assistant who refuses to engage in an act or omission relating to patient care that would constitute grounds for reporting the physician assistant to the physician assistant board or that violates the Physician Assistant Licensing Act or a rule adopted under that act if the physician assistant notifies the person at the time of the refusal that the reason for refusing is that the act or omission constitutes grounds for reporting the physician assistant to the board or is a violation of the act or a rule adopted under the act. The bill expressly authorizes a physician assistant to refuse to engage in such an act or omission if the physician assistant provides such notice. The bill prohibits a person from suspending, terminating, or otherwise disciplining, discriminating against, or retaliating against a person who advises a physician assistant of such rights.

S.B. 1625 establishes that an act prohibited under the bill's provisions relating to protection for a physician assistant's refusal to engage in certain conduct does not constitute a violation of those provisions if a medical peer review committee determines that the act or omission in which the physician assistant refused to engage was not reportable conduct or an applicable violation or if a medical peer review committee determines that the act or omission in which the physician assistant refused to engage was reportable conduct or an applicable violation and the person rescinds any disciplinary or discriminatory action taken against the physician assistant, compensates the physician assistant for any lost wages, and restores any lost benefits to the physician assistant. The bill prohibits a physician assistant's rights under the bill's provisions relating to protection for refusal to engage in certain conduct from being nullified by a contract and authorizes an appropriate licensing agency to take action against a person who violates those provisions.

S.B. 1625 requires at least one of the two panelists at an informal meeting of the physician assistant board to determine whether an informal disposition of a contested case is appropriate to be a licensed physician assistant.

#### **EFFECTIVE DATE**

September 1, 2017.