

By: Zedler

H.B. No. 2747

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for and grounds for disciplinary action
applicable to a license to practice medicine.

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

SECTION 1. Section 155.003(e), Occupations Code, is amended
to read as follows:

(e) An applicant is not eligible for a license if:

(1) the applicant:

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

(B) has been subject to disciplinary action with
respect to a medical license by any licensing entity in the five
years preceding the date of application;

(2) an investigation or a proceeding is instituted
against the applicant for the restriction, cancellation,
suspension, or revocation in a state, a province of Canada, or a
uniformed service of the United States; or

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

SECTION 2. Section 164.051(a), Occupations Code, is amended

1 to read as follows:

2 (a) The board may refuse to admit a person to its
3 examination or refuse to issue a license to practice medicine and
4 may take disciplinary action against a person if the person:

5 (1) commits an act prohibited under Section 164.052;

6 (2) is convicted of[~~7~~] or is placed on deferred
7 adjudication community supervision or deferred disposition for [~~+~~

8 [~~(A)~~] a felony; [~~or~~

9 [~~(B) a misdemeanor involving moral turpitude,~~]

10 (3) commits or attempts to commit a direct or indirect
11 violation of a rule adopted under this subtitle, either as a
12 principal, accessory, or accomplice;

13 (4) is unable to practice medicine with reasonable
14 skill and safety to patients because of:

15 (A) illness;

16 (B) drunkenness;

17 (C) excessive use of drugs, narcotics,
18 chemicals, or another substance; or

19 (D) a mental or physical condition;

20 (5) is found by a court judgment to be of unsound mind;

21 (6) fails to practice medicine in an acceptable
22 professional manner consistent with public health and welfare;

23 (7) is removed, suspended, or is subject to
24 disciplinary action taken by the person's peers in a local,
25 regional, state, or national professional medical association or
26 society, or is disciplined by a licensed hospital or medical staff
27 of a hospital, including removal, suspension, limitation of

1 hospital privileges, or other disciplinary action, if the board
2 finds that the action:

3 (A) was based on unprofessional conduct or
4 professional incompetence that was likely to harm the public; and

5 (B) was appropriate and reasonably supported by
6 evidence submitted to the board;

7 (8) is subject to repeated or recurring meritorious
8 health care liability claims that in the board's opinion evidence
9 professional incompetence likely to injure the public; or

10 (9) except as provided by Subsection (d), holds a
11 license to practice medicine subject to disciplinary action by
12 another state, or subject to disciplinary action by the uniformed
13 services of the United States, based on acts by the person that are
14 prohibited under Section 164.052 or are similar to acts described
15 by this subsection.

16 SECTION 3. Section 155.003(e), Occupations Code, as amended
17 by this Act, applies only to an application for a license to
18 practice medicine submitted to the Texas Medical Board on or after
19 the effective date of this Act. An application for a license
20 submitted before the effective date of this Act is governed by the
21 law in effect on the date the application was submitted, and the
22 former law is continued in effect for that purpose.

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