

By: Zedler

H.B. No. 3310

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting certain discrimination against a physician or an applicant for a license to practice medicine in this state.

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

SECTION 1. Section 241.003, Health and Safety Code, is amended by adding Subdivisions (7-a) and (16) to read as follows:

(7-a) "Maintenance of certification" has the meaning assigned by Section 151.002, Occupations Code.

(16) "Specialty medical board certification" has the meaning assigned by Section 151.002, Occupations Code.

SECTION 2. Subchapter A, Chapter 241, Health and Safety Code, is amended by adding Section 241.011 to read as follows:

Sec. 241.011. DISCRIMINATION AGAINST PHYSICIAN BASED ON SPECIALTY MEDICAL BOARD CERTIFICATION OR MAINTENANCE OF CERTIFICATION. Notwithstanding any other law, the owner, operator, or governing body of a hospital that is licensed in this state may not:

(1) require a physician to obtain or maintain any form of specialty medical board certification or maintenance of certification to be eligible for medical staff membership or professional privileges, including admitting privileges; or

(2) discriminate against, disfavor, or disadvantage a physician who does not obtain or maintain specialty medical board certification or maintenance of certification.

SECTION 3. Subtitle F, Title 8, Insurance Code, is amended by adding Chapter 1461 to read as follows:

CHAPTER 1461. DISCRIMINATION AGAINST PHYSICIAN BASED ON MEDICAL  
SPECIALTY BOARD CERTIFICATION OR MAINTENANCE OF CERTIFICATION

Sec. 1461.001. DEFINITIONS. In this chapter:

(1) "Enrollee" means an individual who is eligible to receive health care services under a managed care plan.

(2) "Maintenance of certification" has the meaning assigned by Section 151.002, Occupations Code.

(3) "Managed care plan" means a health benefit plan under which medical care services are provided to enrollees through contracts with physicians and that requires enrollees to use participating physicians or that provides a different level of coverage for enrollees who use participating physicians. The term includes a health benefit plan issued by:

(A) a health maintenance organization;

(B) a preferred provider benefit plan issuer; or

(C) any other entity that issues a health benefit plan, including an insurance company.

(4) "Participating physician" means a physician who has directly or indirectly contracted with a health benefit plan issuer to provide services to enrollees.

(5) "Physician" means a person licensed to practice medicine in this state.

(6) "Specialty medical board certification" has the meaning assigned by Section 151.002, Occupations Code.

Sec. 1461.002. APPLICABILITY. (a) This chapter applies to

1 a physician regardless of whether the physician is a participating  
2 physician.

3 (b) This chapter applies to a person with whom a managed  
4 care plan issuer contracts to:

5 (1) process or pay claims;

6 (2) obtain the services of physicians to provide  
7 medical care services to enrollees; or

8 (3) issue verifications or preauthorizations.

9 Sec. 1461.003. DISCRIMINATION AGAINST PHYSICIAN BASED ON  
10 SPECIALTY MEDICAL BOARD CERTIFICATION, MAINTENANCE OF  
11 CERTIFICATION, OR STAFF PRIVILEGES. Notwithstanding any other law,  
12 a managed care plan issuer may not:

13 (1) require for the payment or reimbursement of a  
14 claim under the plan that a physician:

15 (A) obtain or maintain any form of specialty  
16 medical board certification or maintenance of certification; or

17 (B) maintain hospital medical staff privileges;  
18 or

19 (2) discriminate against, disfavor, or disadvantage a  
20 physician who does not obtain or maintain specialty medical board  
21 certification or maintenance of certification.

22 SECTION 4. Section [151.002\(a\)](#), Occupations Code, is amended  
23 by adding Subdivisions (6-b) and (13-a) to read as follows:

24 (6-b) "Maintenance of certification" means a process  
25 of successful completion of periodic recertification examinations  
26 that are required to maintain specialty medical board  
27 certification.

1           (13-a) "Specialty medical board certification" means  
2 certification by a board that specializes in one particular area of  
3 medicine and typically requires additional and more strenuous  
4 examinations than state licensing boards require to practice  
5 medicine.

6           SECTION 5. Chapter 151, Occupations Code, is amended by  
7 adding Subchapter C to read as follows:

8       SUBCHAPTER C. DISCRIMINATION AGAINST PHYSICIAN BASED ON MEDICAL  
9       SPECIALTY BOARD CERTIFICATION OR MAINTENANCE OF CERTIFICATION

10       Sec. 151.101. DISCRIMINATION REGARDING PRACTICE OF  
11 MEDICINE PROHIBITED. Notwithstanding any other law, the board may  
12 not:

13           (1) require any form of specialty medical board  
14 certification or maintenance of certification to practice medicine  
15 in this state; or

16           (2) require any form of specialty medical board  
17 certification or maintenance of certification for a person to be  
18 eligible under this subtitle for:

19                   (A) a license; or

20                   (B) an initial or renewal registration permit.

21       Sec. 151.102. DISCRIMINATION BY STATE AGENCY PROHIBITED.  
22 Notwithstanding any other law the board or another state agency may  
23 not discriminate against, disfavor, or disadvantage a physician who  
24 does not obtain or maintain specialty medical board certification  
25 or maintenance of certification.

26       Sec. 151.103. DISCRIMINATION IN COMPACT PROHIBITED.  
27 Notwithstanding any other law the board or another state agency may

1 not enter into a compact, including an interstate compact, that  
2 discriminates against, disfavors, or disadvantages a physician who  
3 does not obtain or maintain specialty medical board certification  
4 or maintenance of certification.

5       SECTION 6. This Act takes effect September 1, 2017.