

By: Arévalo

H.B. No. 4249

A BILL TO BE ENTITLED

1 AN ACT
2 relating to examination requirements for certain applicants for a
3 license to practice medicine.

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

5 SECTION 1. Section 154.006(b), Occupations Code, is amended
6 to read as follows:

7 (b) A profile must contain the following information on each
8 physician:

9 (1) the name of each medical school attended and the
10 dates of:

11 (A) graduation; or

12 (B) Fifth Pathway designation and completion of
13 the Fifth Pathway Program;

14 (2) a description of all graduate medical education in
15 the United States or Canada;

16 (3) the number of attempts taken by the physician to
17 pass each part of the licensing examination required under Section
18 155.051;

19 (4) any specialty certification held by the physician
20 and issued by a medical licensing board that is a member of the
21 American Board of Medical Specialties or the Bureau of Osteopathic
22 Specialists;

23 (5) [~~4~~] the number of years the physician has
24 actively practiced medicine in:

1 (A) the United States or Canada; and

2 (B) this state;

3 (6) [~~(5)~~] the name of each hospital in this state in
4 which the physician has privileges;

5 (7) [~~(6)~~] the physician's primary practice location;

6 (8) [~~(7)~~] the type of language translating services,
7 including translating services for a person with impairment of
8 hearing, that the physician provides at the physician's primary
9 practice location;

10 (9) [~~(8)~~] whether the physician participates in the
11 Medicaid program;

12 (10) [~~(9)~~] a description of any conviction for a
13 felony, a Class A or Class B misdemeanor, or a Class C misdemeanor
14 involving moral turpitude;

15 (11) [~~(10)~~] a description of any charges reported to
16 the board to which the physician has pleaded no contest, for which
17 the physician is the subject of deferred adjudication or pretrial
18 diversion, or in which sufficient facts of guilt were found and the
19 matter was continued by a court;

20 (12) [~~(11)~~] a description of any disciplinary action
21 against the physician by the board;

22 (13) [~~(12)~~] a description of any disciplinary action
23 against the physician by a medical licensing board of another
24 state;

25 (14) [~~(13)~~] a description of the final resolution
26 taken by the board on medical malpractice claims or complaints
27 required to be opened by the board under Section [164.201](#);

1 (15) [~~(14)~~] whether the physician's patient service
2 areas are accessible to disabled persons, as defined by federal
3 law;

4 (16) [~~(15)~~] a description of any formal complaint
5 against the physician initiated and filed under Section 164.005 and
6 the status of the complaint; and

7 (17) [~~(16)~~] a description of any medical malpractice
8 claim against the physician, not including a description of any
9 offers by the physician to settle the claim, for which the physician
10 was found liable, a jury awarded monetary damages to the claimant,
11 and the award has been determined to be final and not subject to
12 further appeal.

13 SECTION 2. Section 155.056, Occupations Code, is amended by
14 amending Subsections (a) and (d) and adding Subsection (e) to read
15 as follows:

16 (a) An applicant must pass:

17 (1) each part of an examination within three attempts;
18 and

19 (2) all parts of an examination collectively within 12
20 attempts.

21 (d) Notwithstanding Subsection (a)(1), an applicant must
22 pass each part of an examination within five attempts if the
23 applicant [~~The limitation on examination attempts by an applicant~~
24 ~~under Subsection (a) does not apply to an applicant who~~]:

25 (1) is licensed and in good standing as a physician in
26 another state;

27 (2) has been licensed for at least five years;

1 (3) does not hold a medical license in the other state
2 that has or has ever had any restrictions, disciplinary orders, or
3 probation; ~~and]~~

4 (4) is specialty board certified by a specialty board
5 that:

6 (A) is a member of the American Board of Medical
7 Specialties; or

8 (B) is approved by the American Osteopathic
9 Association; and

10 (5) will practice medicine, for at least three years,
11 in a practice serving a medically underserved population or in a
12 health professional shortage area, as those terms are defined by
13 Section 157.051 ~~[passed all but one part of the examination~~
14 ~~approved by the board within three attempts and:~~

15 ~~[(A) passed the remaining part of the examination~~
16 ~~within one additional attempt; or~~

17 ~~[(B) passed the remaining part of the examination~~
18 ~~within six attempts if the applicant:~~

19 ~~[(i) is specialty board certified by a~~
20 ~~specialty board that:~~

21 ~~[(a) is a member of the American Board~~
22 ~~of Medical Specialties; or~~

23 ~~[(b) is approved by the American~~
24 ~~Osteopathic Association; and~~

25 ~~[(ii) has completed in this state an~~
26 ~~additional two years of postgraduate medical training approved by~~
27 ~~the board].~~

1 (e) The board may establish by rule a process to verify that
2 a person, after meeting the other requirements of Subsection (d),
3 practices as required by Subsection (d)(5) for at least three
4 years.

5 SECTION 3. Section 155.056(c), Occupations Code, is
6 repealed.

7 SECTION 4. Section 155.056, Occupations Code, as amended by
8 this Act, applies only to an application for a license filed on or
9 after the effective date of this Act. An application filed before
10 the effective date of this Act is governed by the law in effect
11 immediately before that date, and that law is continued in effect
12 for that purpose.

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