

Suspending limitations on conference committee
jurisdiction, S.B. No. 1148 (Buckingham/Bonnen of Galveston)

By: Bonnen of Galveston

H.R. No. 2628

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 85th Legislature, Regular Session, 2017, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on Senate Bill 1148 (maintenance of
6 certification by a physician or an applicant for a license to
7 practice medicine in this state) to consider and take action on the
8 following matter:

9 House Rule 13, Section 9(a)(4), is suspended to permit the
10 committee to add text on a matter not included in either the house
11 or senate version of the bill by adding SECTION 3 to the bill to read
12 as follows:

13 SECTION 3. Subchapter B, Chapter 151, Occupations Code, is
14 amended by adding Section 151.0515 to read as follows:

15 Sec. 151.0515. DISCRIMINATION BASED ON MAINTENANCE OF
16 CERTIFICATION. (a) Except as otherwise provided by this section,
17 the following entities may not differentiate between physicians
18 based on a physician's maintenance of certification:

19 (1) a health facility that is licensed under Subtitle
20 B, Title 4, Health and Safety Code, or a mental hospital that is
21 licensed under Chapter 577, Health and Safety Code, if the facility
22 or hospital has an organized medical staff or a process for
23 credentialing physicians;

24 (2) a hospital that is owned or operated by this state;

1 (3) an institution or program that is owned, operated,
2 or licensed by this state, including an institution or program that
3 directly or indirectly receives state financial assistance, if the
4 institution or program:

5 (A) has an organized medical staff or a process
6 for credentialing physicians on its staff; and

7 (B) is not a medical school, as defined by
8 Section 61.501, Education Code, or a comprehensive cancer center,
9 as designated by the National Cancer Institute; or

10 (4) an institution or program that is owned, operated,
11 or licensed by a political subdivision of this state, if the
12 institution or program has an organized medical staff or a process
13 for credentialing physicians on its staff.

14 (b) An entity described by Subsection (a) may differentiate
15 between physicians based on a physician's maintenance of
16 certification if:

17 (1) the entity's designation under law or
18 certification or accreditation by a national certifying or
19 accrediting organization is contingent on the entity requiring a
20 specific maintenance of certification by physicians seeking staff
21 privileges or credentialing at the entity; and

22 (2) the differentiation is limited to those physicians
23 whose maintenance of certification is required for the entity's
24 designation, certification, or accreditation as described by
25 Subdivision (1).

26 (c) An entity described by Subsection (a) may differentiate
27 between physicians based on a physician's maintenance of

1 certification if the voting physician members of the entity's
2 organized medical staff vote to authorize the differentiation.

3 (d) An authorization described by Subsection (c) may:

4 (1) be made only by the voting physician members of the
5 entity's organized medical staff and not by the entity's governing
6 body, administration, or any other person;

7 (2) subject to Subsection (e), establish terms
8 applicable to the entity's differentiation, including:

9 (A) appropriate grandfathering provisions; and

10 (B) limiting the differentiation to certain
11 medical specialties; and

12 (3) be rescinded at any time by a vote of the voting
13 physician members of the entity's organized medical staff.

14 (e) Terms established under Subsection (d)(2) may not
15 conflict with a maintenance of certification requirement
16 applicable to the entity's designation under law or certification
17 or accreditation by a national certifying or accrediting
18 organization.

19 Explanation: The change is necessary to provide that certain
20 entities may not differentiate between physicians based on a
21 physician's maintenance of certification except in certain
22 circumstances.