

By: Buckingham, et al.
(Bonnen of Galveston, Darby, et al.)

S.B. No. 1148

Substitute the following for S.B. No. 1148:

By: Price

C.S.S.B. No. 1148

A BILL TO BE ENTITLED

AN ACT

relating to maintenance of certification by 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. Subtitle F, Title 8, Insurance Code, is amended by adding Chapter 1461 to read as follows:

CHAPTER 1461. DISCRIMINATION AGAINST PHYSICIAN BASED ON
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 health 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

1 has directly or indirectly contracted with a health benefit plan
2 issuer to provide services to enrollees.

3 (5) "Physician" means an individual licensed to
4 practice medicine in this state.

5 Sec. 1461.002. APPLICABILITY. (a) This chapter applies to
6 a physician regardless of whether the physician is a participating
7 physician.

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

10 (1) process or pay claims;

11 (2) obtain the services of physicians to provide
12 health care services to enrollees; or

13 (3) issue verifications or preauthorizations.

14 Sec. 1461.003. DISCRIMINATION BASED ON MAINTENANCE OF
15 CERTIFICATION. (a) Except as provided by Subsection (b), a
16 managed care plan issuer may not differentiate between physicians
17 based on a physician's maintenance of certification in regard to:

18 (1) paying the physician;

19 (2) reimbursing the physician; or

20 (3) directly or indirectly contracting with the
21 physician to provide services to enrollees.

22 (b) A managed care plan issuer may differentiate between
23 physicians based on a physician's maintenance of certification only
24 if the designation under law or certification or accreditation by a
25 national certifying or accrediting organization of an entity
26 described by Section 151.0515(a), Occupations Code, is contingent
27 on the entity requiring a specific maintenance of certification by

1 physicians seeking staff privileges or credentialing at the entity.

2 SECTION 2. Section 151.002(a), Occupations Code, is amended
3 by adding Subdivision (6-b) to read as follows:

4 (6-b) "Maintenance of certification" means the
5 satisfactory completion of periodic recertification requirements
6 that are required for a physician to maintain certification after
7 initial certification from:

8 (A) a medical specialty member board of the
9 American Board of Medical Specialties;

10 (B) a medical specialty member board of the
11 American Osteopathic Association Bureau of Osteopathic
12 Specialists;

13 (C) the American Board of Oral and Maxillofacial
14 Surgery; or

15 (D) any other certifying board that is recognized
16 by the Texas Medical Board.

17 SECTION 3. Subchapter B, Chapter 151, Occupations Code, is
18 amended by adding Sections 151.0515 and 151.057 to read as follows:

19 Sec. 151.0515. DISCRIMINATION BASED ON MAINTENANCE OF
20 CERTIFICATION. (a) Except as provided by Subsection (b), the
21 following entities may not differentiate between physicians based
22 on a physician's maintenance of certification:

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

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

2 (3) an institution or program that is owned, operated,
3 or licensed by this state, including an institution or program that
4 directly or indirectly receives state financial assistance, if the
5 institution or program has an organized medical staff or a process
6 for credentialing physicians on its staff; or

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

11 (b) An entity described by Subsection (a) may differentiate
12 between physicians based on a physician's maintenance of
13 certification only if the entity's designation under law or
14 certification or accreditation by a national certifying or
15 accrediting organization is contingent on the entity requiring a
16 specific maintenance of certification by physicians seeking staff
17 privileges or credentialing at the entity.

18 Sec. 151.057. RECOGNITION OF ENTITIES TO PROVIDE
19 MAINTENANCE OF CERTIFICATION; STUDY. (a) The board, using
20 existing funds, shall study whether to recognize one or more
21 entities to provide maintenance of certification for physicians in
22 this state.

23 (b) In conducting the study under this section, the board
24 shall consult with appropriate state agencies and other entities,
25 as determined by the board.

26 (c) The results of the study under this section shall be
27 made available through the board's Internet website and other

1 appropriate means, as determined by the board.

2 (d) If the study under this section indicates a need for the
3 board to recognize one or more entities to provide maintenance of
4 certification for physicians in this state, the board may develop
5 and implement a program to recognize such entities. The program
6 must include an assessment of the following as eligibility criteria
7 for an entity to provide maintenance of certification:

8 (1) the amount of time and expense required for a
9 physician to complete the maintenance of certification requirement
10 and the extent to which the time requirement has an impact on the
11 physician's ability to participate in medical practice;

12 (2) the adequacy of the activities required of a
13 physician in the area of practice improvement; and

14 (3) the degree to which the maintenance of
15 certification requirements are relevant to the practice of the
16 particular medical specialty for which the maintenance of
17 certification is provided.

18 SECTION 4. Section 155.003, Occupations Code, is amended by
19 amending Subsection (d) and adding Subsection (d-1) to read as
20 follows:

21 (d) Except as provided by Subsection (d-1), in [~~In~~] addition
22 to the other requirements prescribed by this subtitle, the board
23 may require an applicant to comply with other requirements that the
24 board considers appropriate.

25 (d-1) The board may not require maintenance of
26 certification by an applicant for the applicant to be eligible for a
27 license under this chapter.

1 SECTION 5. Section 156.001, Occupations Code, is amended by
2 adding Subsection (f) to read as follows:

3 (f) The board may not adopt a rule requiring maintenance of
4 certification by a license holder for the license holder to be
5 eligible for an initial or renewal registration permit.

6 SECTION 6. The Texas Medical Board shall begin the study
7 required under Section 151.057, Occupations Code, as added by this
8 Act, not later than January 1, 2018.

9 SECTION 7. This Act takes effect January 1, 2018.