

1-1 By: Uresti S.B. No. 1625  
1-2 (In the Senate - Filed March 9, 2017; March 21, 2017, read  
1-3 first time and referred to Committee on Health & Human Services;  
1-4 May 5, 2017, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 5, 2017, sent  
1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Schwertner	X		
1-10	Uresti	X		
1-11	Buckingham	X		
1-12	Burton	X		
1-13	Kolkhorst	X		
1-14	Miles	X		
1-15	Perry	X		
1-16	Taylor of Collin	X		
1-17	Watson	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1625 By: Uresti

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the Texas Physician Assistant Board and the licensing  
1-22 and regulation of physician assistants.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter B, Chapter 204, Occupations Code, is  
1-25 amended by adding Section 204.0585 to read as follows:

1-26 Sec. 204.0585. EXECUTIVE SESSION. After hearing all  
1-27 evidence and arguments in an open meeting, the physician assistant  
1-28 board may conduct deliberations relating to a license application  
1-29 or disciplinary action in an executive session. The board shall  
1-30 vote and announce its decision in open session.

1-31 SECTION 2. Section 204.059, Occupations Code, is amended by  
1-32 amending Subsection (b) and adding Subsection (d) to read as  
1-33 follows:

1-34 (b) The training program must provide the person with  
1-35 information regarding:

1-36 (1) the law governing physician assistant board  
1-37 operations;

1-38 (2) the [this chapter and the physician assistant  
1-39 board's] programs, functions, rules, and budget of the physician  
1-40 assistant board;

1-41 (3) the scope of and limitations on the rulemaking  
1-42 authority of the physician assistant board;

1-43 (4) ~~(2)~~ the results of the most recent formal audit  
1-44 of the physician assistant board;

1-45 (5) ~~(3)~~ the requirements of:

1-46 (A) laws relating to open meetings, public  
1-47 information, administrative procedure, and disclosing conflicts of  
1-48 interest; and

1-49 (B) other laws applicable to members of the  
1-50 physician assistant board in performing their duties; and

1-51 (6) ~~(4)~~ any applicable ethics policies adopted by  
1-52 the physician assistant board or the Texas Ethics Commission.

1-53 (d) The executive director of the medical board shall create  
1-54 a training manual that includes the information required by  
1-55 Subsection (b). The executive director shall distribute a copy of  
1-56 the training manual annually to each physician assistant board  
1-57 member. On receipt of the training manual, each board member shall  
1-58 sign and submit to the executive director a statement acknowledging  
1-59 receipt of the training manual.

1-60 SECTION 3. Subchapter D, Chapter 204, Occupations Code, is

2-1 amended by adding Section 204.1525 to read as follows:

2-2 Sec. 204.1525. CRIMINAL HISTORY RECORD INFORMATION  
2-3 REQUIREMENT FOR LICENSE ISSUANCE. (a) The physician assistant  
2-4 board shall require that an applicant for a license submit a  
2-5 complete and legible set of fingerprints, on a form prescribed by  
2-6 the board, to the board or to the Department of Public Safety for  
2-7 the purpose of obtaining criminal history record information from  
2-8 the Department of Public Safety and the Federal Bureau of  
2-9 Investigation.

2-10 (b) The physician assistant board may not issue a license to  
2-11 a person who does not comply with the requirement of Subsection (a).

2-12 (c) The physician assistant board shall conduct a criminal  
2-13 history record information check of each applicant for a license  
2-14 using information:

2-15 (1) provided by the individual under this section; and

2-16 (2) made available to the board by the Department of  
2-17 Public Safety, the Federal Bureau of Investigation, and any other  
2-18 criminal justice agency under Chapter 411, Government Code.

2-19 (d) The physician assistant board may:

2-20 (1) enter into an agreement with the Department of  
2-21 Public Safety to administer a criminal history record information  
2-22 check required under this section; and

2-23 (2) authorize the Department of Public Safety to  
2-24 collect from each applicant the costs incurred by the Department of  
2-25 Public Safety in conducting the criminal history record information  
2-26 check.

2-27 SECTION 4. Section 204.153(a), Occupations Code, is amended  
2-28 to read as follows:

2-29 (a) To be eligible for a license under this chapter, an  
2-30 applicant must:

2-31 (1) successfully complete an educational program for  
2-32 physician assistants or surgeon assistants accredited by the  
2-33 Committee on Allied Health Education and Accreditation or by that  
2-34 committee's predecessor or successor entities;

2-35 (2) pass the Physician Assistant National Certifying  
2-36 Examination administered by the National Commission on  
2-37 Certification of Physician Assistants;

2-38 (3) hold a certificate issued by the National  
2-39 Commission on Certification of Physician Assistants;

2-40 (4) ~~[be of good moral character,~~

2-41 ~~[-5-]]~~ meet any other requirement established by  
2-42 physician assistant board rule; and

2-43 (5) ~~[-6-]]~~ pass a jurisprudence examination approved  
2-44 by the physician assistant board as provided by Subsection (a-1).

2-45 SECTION 5. Section 204.156, Occupations Code, is amended by  
2-46 amending Subsection (a) and adding Subsection (a-1) to read as  
2-47 follows:

2-48 (a) A license issued under this chapter is valid for a term  
2-49 of one or two years, as determined by physician assistant board  
2-50 rule.

2-51 (a-1) On notification from the physician assistant board, a  
2-52 person who holds a license under this chapter may renew the license  
2-53 by:

2-54 (1) paying the required renewal fee;

2-55 (2) submitting the appropriate form; and

2-56 (3) meeting any other requirement established by board  
2-57 rule.

2-58 SECTION 6. Subchapter D, Chapter 204, Occupations Code, is  
2-59 amended by adding Section 204.1561 to read as follows:

2-60 Sec. 204.1561. CRIMINAL HISTORY RECORD INFORMATION  
2-61 REQUIREMENT FOR RENEWAL. (a) An applicant for renewal of a  
2-62 license issued under this chapter shall submit a complete and  
2-63 legible set of fingerprints for purposes of performing a criminal  
2-64 history record information check of the applicant as provided by  
2-65 Section 204.1525.

2-66 (b) The physician assistant board may administratively  
2-67 suspend or refuse to renew the license of a person who does not  
2-68 comply with the requirement of Subsection (a).

2-69 (c) A license holder is not required to submit fingerprints

3-1 under this section for the renewal of the license if the holder has  
3-2 previously submitted fingerprints under:

3-3 (1) Section 204.1525 for the initial issuance of the  
3-4 license; or

3-5 (2) this section as part of a prior renewal of a  
3-6 license.

3-7 SECTION 7. Subchapter D, Chapter 204, Occupations Code, is  
3-8 amended by adding Section 204.158 to read as follows:

3-9 Sec. 204.158. REFUSAL FOR VIOLATION OF BOARD ORDER. The  
3-10 physician assistant board may refuse to renew a license issued  
3-11 under this chapter if the license holder is in violation of a  
3-12 physician assistant board order.

3-13 SECTION 8. Subchapter E, Chapter 204, Occupations Code, is  
3-14 amended by adding Section 204.210 to read as follows:

3-15 Sec. 204.210. PROTECTION FOR REFUSAL TO ENGAGE IN CERTAIN  
3-16 CONDUCT. (a) A person may not suspend, terminate, or otherwise  
3-17 discipline, discriminate against, or retaliate against:

3-18 (1) a physician assistant who refuses to engage in an  
3-19 act or omission as provided by Subsection (b); or

3-20 (2) a person who advises a physician assistant of the  
3-21 physician assistant's rights under this section.

3-22 (b) A physician assistant may refuse to engage in an act or  
3-23 omission relating to patient care that would constitute grounds for  
3-24 reporting the physician assistant to the physician assistant board  
3-25 under Section 204.208 or that violates this chapter or a rule  
3-26 adopted under this chapter if the physician assistant notifies the  
3-27 person at the time of the refusal that the reason for refusing is  
3-28 that the act or omission:

3-29 (1) constitutes grounds for reporting the physician  
3-30 assistant to the physician assistant board; or

3-31 (2) is a violation of this chapter or a rule adopted  
3-32 under this chapter.

3-33 (c) An act by a person under Subsection (a) does not  
3-34 constitute a violation of this section if a medical peer review  
3-35 committee determines:

3-36 (1) that the act or omission the physician assistant  
3-37 refused to engage in was not:

3-38 (A) conduct reportable to the physician  
3-39 assistant board under Section 204.208; or

3-40 (B) a violation of this chapter or a rule adopted  
3-41 under this chapter; or

3-42 (2) that:  
3-43 (A) the act or omission in which the physician  
3-44 assistant refused to engage was conduct reportable to the physician  
3-45 assistant board or a violation of this chapter or a rule adopted  
3-46 under this chapter; and

3-47 (B) the person:

3-48 (i) rescinds any disciplinary or  
3-49 discriminatory action taken against the physician assistant;

3-50 (ii) compensates the physician assistant  
3-51 for any lost wages; and

3-52 (iii) restores to the physician assistant  
3-53 any lost benefits.

3-54 (d) A physician assistant's rights under this section may  
3-55 not be nullified by a contract.

3-56 (e) An appropriate licensing agency may take action against  
3-57 a person who violates this section.

3-58 SECTION 9. Section 204.313(a), Occupations Code, is amended  
3-59 to read as follows:

3-60 (a) In an informal meeting under Section 204.312, at least  
3-61 two panelists shall be appointed to determine whether an informal  
3-62 disposition is appropriate. At least one of the panelists must be a  
3-63 licensed physician assistant.

3-64 SECTION 10. (a) Except as provided by Subsection (b) of  
3-65 this section, Section 204.059, Occupations Code, as amended by this  
3-66 Act, applies to a member of the Texas Physician Assistant Board  
3-67 appointed before, on, or after the effective date of this Act.

3-68 (b) A member of the Texas Physician Assistant Board who,  
3-69 before the effective date of this Act, completed the training

4-1 program required by Section 204.059, Occupations Code, as that law  
4-2 existed before the effective date of this Act, is only required to  
4-3 complete additional training on the subjects added by this Act to  
4-4 the training program required by Section 204.059, Occupations Code.  
4-5 A board member described by this subsection may not vote,  
4-6 deliberate, or be counted as a member in attendance at a meeting of  
4-7 the board held on or after December 1, 2017, until the member  
4-8 completes the additional training.

4-9 SECTION 11. Not later than September 1, 2019, the Texas  
4-10 Physician Assistant Board shall obtain criminal history record  
4-11 information on each person who, on the effective date of this Act,  
4-12 holds a license issued under Chapter 204, Occupations Code, and did  
4-13 not undergo a criminal history record information check based on  
4-14 the license holder's fingerprints on the initial application for  
4-15 the license. The Texas Physician Assistant Board may suspend the  
4-16 license of a license holder who does not provide the criminal  
4-17 history record information as required by the board and this  
4-18 section.

4-19 SECTION 12. Section 204.210, Occupations Code, as added by  
4-20 this Act, applies only to an act or omission that occurs on or after  
4-21 the effective date of this Act. An act or omission that occurs  
4-22 before the effective date of this Act is governed by the law in  
4-23 effect on the date the act or omission occurred, and the former law  
4-24 is continued in effect for that purpose.

4-25 SECTION 13. This Act takes effect September 1, 2017.

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