

SENATE AMENDMENTS

2nd Printing

By: Thompson of Harris

H.B. No. 3078

A BILL TO BE ENTITLED

AN ACT

relating to transfer of the regulation of podiatry to the Texas Department of Licensing and Regulation; authorizing a reduction in fees.

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

SECTION 1. Subchapter D, Chapter 51, Occupations Code, is amended by adding Section 51.2032 to read as follows:

Sec. 51.2032. RULES REGARDING PODIATRY; PROVISION OF INFORMATION. (a) In this section, "advisory board" means the Podiatric Medical Examiners Advisory Board.

(b) The commission may not adopt a new rule relating to the scope of practice of, a health-related standard of care for, or the ethical practice of the profession of podiatry unless the rule has been proposed by the advisory board. The commission shall adopt rules prescribing the procedure by which the advisory board may propose rules described by this subsection.

(c) For each rule proposed under Subsection (b), the commission shall either adopt the rule as proposed or return the rule to the advisory board for revision. The commission retains authority for final adoption of all rules and is responsible for ensuring compliance with all laws regarding the rulemaking process.

(d) The commission shall adopt rules clearly specifying the manner in which the department and commission will solicit input from, and on request provide information to, the advisory board

1 regarding:

2 (1) continuing education requirements; and

3 (2) the general investigative, enforcement, or
4 disciplinary procedures of the department or commission.

5 SECTION 2. Section 202.001(a), Occupations Code, is amended
6 by amending Subdivisions (1) and (2) and adding Subdivisions (1-a)
7 and (1-b) to read as follows:

8 (1) "Advisory board" ["Board"] means the Podiatric
9 Medical Examiners Advisory Board [~~Texas State Board of Podiatric~~
10 ~~Medical Examiners~~].

11 (1-a) "Commission" means the Texas Commission of
12 Licensing and Regulation.

13 (1-b) "Department" means the Texas Department of
14 Licensing and Regulation.

15 (2) "Executive director" means the executive director
16 of the Texas Department of Licensing and Regulation [~~employee of~~
17 ~~the board who manages the board's day-to-day operations~~].

18 SECTION 3. The heading to Subchapter B, Chapter 202,
19 Occupations Code, is amended to read as follows:

20 SUBCHAPTER B. [~~TEXAS STATE BOARD OF~~] PODIATRIC MEDICAL EXAMINERS
21 ADVISORY BOARD

22 SECTION 4. Section 202.051(a), Occupations Code, is amended
23 to read as follows:

24 (a) The [~~Texas State Board of~~] Podiatric Medical Examiners
25 Advisory Board consists of nine members appointed by the governor
26 as follows:

27 (1) six members who are licensed in this state to

1 practice podiatry and ~~[are reputable practicing podiatrists who~~
2 ~~have resided in this state and]~~ have been actively engaged in the
3 practice of podiatry for the five years preceding appointment; and

4 (2) three members who represent the public.

5 SECTION 5. Section 202.053, Occupations Code, is amended to
6 read as follows:

7 Sec. 202.053. PUBLIC MEMBER ELIGIBILITY. A person is not
8 eligible for appointment as a public member of the advisory board if
9 the person or the person's spouse:

10 (1) is registered, certified, or licensed by an
11 occupational regulatory agency in the field of health care;

12 (2) is employed by or participates in the management
13 of a business entity or other organization regulated by the
14 department ~~[board]~~ or receiving funds from the department ~~[board]~~;

15 (3) owns or controls, directly or indirectly, more
16 than a 10 percent interest in a business entity or other
17 organization regulated by the department ~~[board]~~ or receiving funds
18 from the department ~~[board]~~; or

19 (4) uses or receives a substantial amount of tangible
20 goods, services, or funds from the department ~~[board]~~, other than
21 ~~[compensation or]~~ reimbursement authorized by law for advisory
22 board membership, attendance, or expenses.

23 SECTION 6. Sections 202.054(b) and (c), Occupations Code,
24 are amended to read as follows:

25 (b) A person may not be a member of the advisory board ~~[and~~
26 ~~may not be a board employee employed in a "bona fide executive,~~
27 ~~administrative, or professional capacity," as that phrase is used~~

1 ~~for purposes of establishing an exemption to the overtime~~
2 ~~provisions of the federal Fair Labor Standards Act of 1938 (29~~
3 ~~U.S.C. Section 201 et seq.))~~ if:

4 (1) the person is an officer, employee, or paid
5 consultant of a Texas trade association in the field of health care;
6 or

7 (2) the person's spouse is an officer, manager, or paid
8 consultant of a Texas trade association in the field of health care.

9 (c) A person may not be a member of the advisory board [~~or~~
10 ~~act as the general counsel to the board~~] if the person is required
11 to register as a lobbyist under Chapter 305, Government Code,
12 because of the person's activities for compensation on behalf of a
13 profession related to the operation of the advisory board.

14 SECTION 7. Section 202.055, Occupations Code, is amended to
15 read as follows:

16 Sec. 202.055. TERMS; VACANCIES. (a) Members of the
17 advisory board serve staggered six-year terms, with the term of
18 three members expiring on February 1 of each odd-numbered year. At
19 the expiration of the term of each member, the governor shall
20 appoint a successor.

21 (b) If a vacancy occurs during a term, the governor shall
22 appoint a replacement who meets the qualifications of the vacated
23 position to serve for the remainder of the term.

24 SECTION 8. Section 202.056, Occupations Code, is amended to
25 read as follows:

26 Sec. 202.056. GROUND FOR REMOVAL. (a) It is a ground for
27 removal from the advisory board that a member:

1 (1) does not have at the time of taking office the
2 qualifications required by Section 202.051 or 202.053;

3 (2) does not maintain during service on the advisory
4 board the qualifications required by Section 202.051 or 202.053;

5 (3) is ineligible for membership under Section
6 202.054;

7 (4) cannot, because of illness or disability,
8 discharge the member's duties for a substantial part of the member's
9 term; or

10 (5) is absent from more than half of the regularly
11 scheduled advisory board meetings that the member is eligible to
12 attend during a calendar year unless the absence is excused by a
13 majority vote of the advisory board.

14 (b) The validity of an action of the advisory board is not
15 affected by the fact that the action is taken when a ground for
16 removal of an advisory [a] board member exists.

17 (c) If the executive director has knowledge that a potential
18 ground for removal exists, the executive director shall notify the
19 ~~[president of the board of the potential ground. The president~~
20 ~~shall then notify the]~~ governor and the attorney general that a
21 potential ground for removal exists. ~~[If the potential ground for~~
22 ~~removal involves the president, the executive director shall notify~~
23 ~~the next highest ranking officer of the board, who shall then notify~~
24 ~~the governor and the attorney general that a potential ground for~~
25 ~~removal exists.]~~

26 SECTION 9. Section 202.057, Occupations Code, is amended to
27 read as follows:

1 Sec. 202.057. COMPENSATION [~~PER DIEM~~]; REIMBURSEMENT OF
2 EXPENSES. An advisory board member may not receive compensation
3 but is entitled to [~~(a) Each board member is entitled to a per diem~~
4 ~~as set by legislative appropriation for each day the member engages~~
5 ~~in the business of the board.~~

6 [~~(b) A member may receive~~] reimbursement for actual and
7 necessary expenses incurred in performing the functions of the
8 advisory board, subject to [~~travel expenses, including expenses for~~
9 ~~meals, lodging, and transportation, as prescribed by~~] the General
10 Appropriations Act.

11 [~~(c) The secretary of the board is entitled to reimbursement~~
12 ~~for the secretary's necessary expenses incurred in the performance~~
13 ~~of services for the board.~~]

14 SECTION 10. Section 202.058, Occupations Code, is amended
15 to read as follows:

16 Sec. 202.058. PRESIDING OFFICER [~~OFFICERS~~]. [~~(a)~~] The
17 governor shall appoint one [~~designate a member~~] of the advisory
18 board members to serve as presiding officer [~~the president~~] of the
19 advisory board at the pleasure of the governor. The presiding
20 officer may vote on any matter before the advisory board [~~to serve~~
21 ~~in that capacity at the pleasure of the governor~~].

22 [~~(b) At the first regular scheduled meeting of each~~
23 ~~biennium, the board shall elect from its members a vice president~~
24 ~~and secretary.~~]

25 SECTION 11. Section 202.059(a), Occupations Code, is
26 amended to read as follows:

27 (a) The advisory board shall meet at the call of the

1 presiding officer of the commission or the executive director [~~hold~~
2 ~~regular meetings at least twice a year and special meetings as~~
3 ~~necessary. The board shall hold the meetings at times and places~~
4 ~~the board considers most convenient for applicants for license~~
5 ~~examinations~~].

6 SECTION 12. Section 202.061, Occupations Code, is amended
7 to read as follows:

8 Sec. 202.061. TRAINING. (a) A person who is appointed to
9 and qualifies for office as a member of the advisory board may not
10 vote, deliberate, or be counted as a member in attendance at a
11 meeting of the advisory board until the person completes a training
12 program that complies with this section.

13 (b) The training program must provide the person with
14 information regarding:

15 (1) this chapter;

16 (2) [and] the department's programs, functions, and
17 rules with respect to this chapter [~~, and budget of the board~~];

18 (3) [~~(2)~~] the results of the most recent formal audit
19 of the department with respect to this chapter [~~board~~];

20 (4) the scope and limitations on the rulemaking
21 authority of the advisory board;

22 (5) [~~(3)~~] the requirements of:

23 (A) laws relating to open meetings, public
24 information, administrative procedure, and disclosing conflicts of
25 interest; and

26 (B) other laws applicable to members of the
27 advisory board in performing the members' duties; and

1 (6) [~~4~~] any applicable ethics policies adopted by
2 the commission [~~board~~] or the Texas Ethics Commission.

3 (c) The executive director shall create a training manual
4 that includes the information required by Subsection (b). The
5 executive director shall distribute a copy of the training manual
6 annually to each advisory board member. On receipt of the training
7 manual, each advisory board member shall sign and submit to the
8 executive director a statement acknowledging receipt of the
9 training manual. [~~A person appointed to the board may be entitled~~
10 ~~to reimbursement, as provided by the General Appropriations Act,~~
11 ~~for the travel expenses incurred in attending the training program~~
12 ~~regardless of whether the attendance at the program occurs before~~
13 ~~or after the person qualifies for office.]~~

14 SECTION 13. Subchapter B, Chapter 202, Occupations Code, is
15 amended by adding Section 202.062 to read as follows:

16 Sec. 202.062. DUTIES OF ADVISORY BOARD. The advisory board
17 shall provide advice and recommendations to the department on
18 technical matters relevant to the administration of this chapter.

19 SECTION 14. The heading to Subchapter D, Chapter 202,
20 Occupations Code, is amended to read as follows:

21 SUBCHAPTER D. [~~BOARD~~] POWERS AND DUTIES

22 SECTION 15. Subchapter D, Chapter 202, Occupations Code, is
23 amended by adding Section 202.1515 to read as follows:

24 Sec. 202.1515. GENERAL POWERS AND DUTIES. (a) The
25 executive director shall administer and enforce this chapter.

26 (b) The commission shall adopt rules necessary to
27 administer and enforce this chapter.

SECTION 16. Section 202.153, Occupations Code, is amended to read as follows:

Sec. 202.153. FEES. ~~[(a)]~~ The commission ~~[board]~~ by rule shall establish fees in amounts reasonable and necessary to cover the cost of administering this chapter. ~~[The board may not set a fee that existed on September 1, 1993, in an amount less than the amount of that fee on that date.]~~

~~[(b) The board may not maintain unnecessary fund balances, and fee amounts shall be established in accordance with this requirement.]~~

SECTION 17. Section 202.160, Occupations Code, is amended to read as follows:

Sec. 202.160. INFORMATION PROVIDED TO LICENSE HOLDERS. At least once each biennium, the department ~~[board]~~ shall provide to license holders information on:

(1) prescribing and dispensing pain medications, with particular emphasis on Schedule II and Schedule III controlled substances;

(2) abusive and addictive behavior of certain persons who use prescription pain medications;

(3) common diversion strategies employed by certain persons who use prescription pain medications, including fraudulent prescription patterns; and

(4) the appropriate use of pain medications and the differences between addiction, pseudo-addiction, tolerance, and physical dependence.

SECTION 18. Section 202.161, Occupations Code, is amended

to read as follows:

Sec. 202.161. POISON CONTROL CENTER INFORMATION. The department ~~[board]~~ shall provide to license holders information regarding the services provided by poison control centers.

SECTION 19. The heading to Subchapter E, Chapter 202, Occupations Code, is amended to read as follows:

SUBCHAPTER E. ~~[PUBLIC INTEREST INFORMATION AND]~~ COMPLAINT
PROCEDURES

SECTION 20. Subchapter E, Chapter 202, Occupations Code, is amended by adding Section 202.2025 to read as follows:

Sec. 202.2025. COMPLAINT PRIORITY. The executive director shall develop, implement, and enforce a written policy for determining the complaints filed under this chapter that will be given priority for investigation and resolution by the department.

SECTION 21. Subchapter E, Chapter 202, Occupations Code, is amended by adding Sections 202.2031 and 202.2032 to read as follows:

Sec. 202.2031. NOTIFICATION TO PARTIES REGARDING COMPLAINT. (a) The department shall notify a license holder who is the subject of a complaint filed with the department that a complaint has been filed and shall notify the license holder of the nature of the complaint.

(b) The department is not required to provide notice under this section if the notice would jeopardize an investigation.

Sec. 202.2032. REQUIREMENTS FOR CERTAIN COMPLAINTS. (a) In this section:

(1) "Anonymous complaint" means a complaint that lacks

1 sufficient information to identify the source or the name of the
2 person who filed the complaint.

3 (2) "Insurance agent" means a person licensed under
4 Chapter 4054, Insurance Code.

5 (3) "Insurer" means an insurance company or other
6 entity authorized to engage in the business of insurance under
7 Subtitle C, Title 6, Insurance Code.

8 (4) "Third-party administrator" means a person
9 required to have a certificate of authority under Chapter 4151,
10 Insurance Code.

11 (b) The department may not accept anonymous complaints.

12 (c) Notwithstanding any confidentiality requirements under
13 Chapter 552, Government Code, or this chapter, a complaint filed
14 with the department by an insurance agent, insurer, pharmaceutical
15 company, or third-party administrator against a license holder must
16 include the name and address of the insurance agent, insurer,
17 pharmaceutical company, or third-party administrator filing the
18 complaint.

19 (d) Not later than the 15th day after the date the complaint
20 is filed with the department, the department shall notify the
21 license holder who is the subject of the complaint of the name and
22 address of the insurance agent, insurer, pharmaceutical company, or
23 third-party administrator who filed the complaint, unless the
24 notice would jeopardize an investigation.

25 SECTION 22. Sections 202.252(a), (b), (e), and (f),
26 Occupations Code, are amended to read as follows:

27 (a) An application for a license under this chapter must be

1 submitted in the manner and on a form prescribed by the executive
 2 director [~~A person who desires to practice podiatry in this state~~
 3 ~~shall apply in writing to the board for a license on a form~~
 4 ~~prescribed by the board~~].

5 (b) The commission by rule shall establish the information
 6 and documentation required to be submitted as part of an
 7 application for a license under this chapter [~~applicant shall~~
 8 ~~submit any information reasonably required by the board~~], including
 9 evidence satisfactory to the commission or department [~~board~~] that
 10 the applicant:

11 (1) is at least 21 years of age;

12 (2) [~~is of good moral character,~~

13 [~~(3)~~] has completed at least 90 semester hours of
 14 college courses acceptable at the time of completion for credit
 15 toward a bachelor's degree at an institution of higher education
 16 determined by the department to have acceptable standards [~~The~~
 17 ~~University of Texas~~];

18 (3) [~~(4)~~] is a graduate of a reputable school of
 19 podiatry or chiropody; and

20 (4) [~~(5)~~] has successfully completed any other course
 21 of training reasonably required by commission [~~board~~] rule relating
 22 to the safe care and treatment of patients.

23 (e) All educational attainments or credits for evaluation
 24 under this chapter must be completed within the United States. The
 25 department [~~board~~] may not accept educational credits attained in a
 26 foreign country that are not approved by the department [~~acceptable~~
 27 ~~to The University of Texas for credit toward a bachelor's degree~~].

(f) For purposes of this section, a podiatry or chiropody school is reputable if:

(1) the course of instruction consists of four terms of approximately eight months each, or the substantial equivalent; and

(2) the school is approved by the department ~~[board]~~.

SECTION 23. Subchapter F, Chapter 202, Occupations Code, is amended by adding Section 202.2525 to read as follows:

Sec. 202.2525. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE. (a) The department shall require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by the executive director, to the department or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The department may not issue a license to a person who does not comply with the requirement of Subsection (a).

(c) The department shall conduct a criminal history record information check of each applicant for a license using information:

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

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

(d) The department may:

(1) enter into an agreement with the Department of

1 Public Safety to administer a criminal history record information
2 check required under this section; and

3 (2) authorize the Department of Public Safety to
4 collect from each applicant the costs incurred by the Department of
5 Public Safety in conducting the criminal history record information
6 check.

7 SECTION 24. Section 202.253, Occupations Code, is amended
8 to read as follows:

9 Sec. 202.253. GROUNDS FOR DENIAL OF LICENSE. (a) The
10 commission may refuse to issue a license or certificate to a person
11 who violates this chapter, a rule adopted under this chapter, or an
12 order of the commission or executive director.

13 (a-1) The commission or department [board] may refuse to
14 admit a person to an examination, and may refuse to issue a license
15 to practice podiatry to a person, for:

16 (1) presenting [~~to the board~~] a license, certificate,
17 or diploma that was illegally or fraudulently obtained or engaging
18 in fraud or deception in passing the examination;

19 (2) being convicted of:

20 (A) a felony;

21 (B) a crime that involves moral turpitude; or

22 (C) an offense under Section 202.606;

23 (3) engaging in habits of intemperance or drug
24 addiction that in the department's [~~board's~~] opinion would endanger
25 the health, well-being, or welfare of patients;

26 (4) engaging in grossly unprofessional or
27 dishonorable conduct of a character that in the department's

1 ~~[board's]~~ opinion is likely to deceive or defraud the public;

2 (5) directly or indirectly violating or attempting to
3 violate this chapter or a rule adopted under this chapter as a
4 principal, accessory, or accomplice;

5 (6) using any advertising statement of a character
6 tending to mislead or deceive the public;

7 (7) advertising professional superiority or the
8 performance of professional service in a superior manner;

9 (8) purchasing, selling, bartering, or using or
10 offering to purchase, sell, barter, or use a podiatry degree,
11 license, certificate, diploma, or a transcript of a license,
12 certificate, or diploma, in or incident to an application ~~[to the~~
13 ~~board]~~ for a license to practice podiatry;

14 (9) altering, with fraudulent intent, a podiatry
15 license, certificate, diploma, or a transcript of a podiatry
16 license, certificate, or diploma;

17 (10) using a podiatry license, certificate, or
18 diploma, or a transcript of a podiatry license, certificate, or
19 diploma, that has been fraudulently purchased, issued,
20 counterfeited, or materially altered;

21 (11) impersonating, or acting as proxy for, another
22 person in a podiatry license examination;

23 (12) impersonating a license holder, or permitting
24 another person to use the license holder's license to practice
25 podiatry in this state, to treat or offer to treat, by any method,
26 conditions and ailments of human feet;

27 (13) directly or indirectly employing a person whose

1 license to practice podiatry has been suspended or associating in
2 the practice of podiatry with a person whose license to practice
3 podiatry has been suspended or who has been convicted of the
4 unlawful practice of podiatry in this state or elsewhere;

5 (14) wilfully making in the application for a license
6 to practice podiatry a material misrepresentation or material
7 untrue statement;

8 (15) being unable to practice podiatry with reasonable
9 skill and safety to a patient because of age, illness, drunkenness,
10 or excessive use of drugs, narcotics, chemicals, or other
11 substances or as a result of a mental or physical condition;

12 (16) failing to practice podiatry in an acceptable
13 manner consistent with public health and welfare;

14 (17) being removed, suspended, or disciplined in
15 another manner by the podiatrist's peers in a professional podiatry
16 association or society, whether local, regional, state, or national
17 in scope, or being disciplined by a licensed hospital or the medical
18 staff of a hospital, including removal, suspension, limitation of
19 hospital privileges, or other disciplinary action, if the
20 commission or department ~~[board]~~ determines that the action was:

21 (A) based on unprofessional conduct or
22 professional incompetence likely to harm the public; and

23 (B) appropriate and reasonably supported by
24 evidence submitted to the association, society, hospital, or
25 medical staff; or

26 (18) having repeated or recurring meritorious health
27 care liability claims filed against the podiatrist that in the

commission's or department's ~~[board's]~~ opinion are evidence of professional incompetence likely to injure the public.

(b) In enforcing Subsection (a-1)(15) ~~[(a)(15)]~~, the department ~~[board]~~, on probable cause, shall request the affected podiatrist to submit to a mental or physical examination by a physician designated by the department ~~[board]~~. If the podiatrist refuses to submit to the examination, the commission or executive director ~~[board]~~ shall issue an order requiring the podiatrist to show cause why the podiatrist will not submit to the examination and shall schedule a hearing on the order not later than the 30th day after the date notice is served on the podiatrist. The podiatrist shall be notified by either personal service or certified mail with return receipt requested.

(c) At the hearing, the podiatrist and the podiatrist's attorney may present testimony and other evidence to show why the podiatrist should not be required to submit to the examination. After a complete hearing, the commission or executive director ~~[board]~~ shall issue an order either requiring the podiatrist to submit to the examination or withdrawing the request for examination.

SECTION 25. Sections 202.254(a), (b), and (c), Occupations Code, are amended to read as follows:

(a) Except as provided by Section 202.261, each applicant for a license to practice podiatry in this state must pass an examination approved by the department ~~[board]~~. ~~[Each applicant shall pay to the board an examination fee at least 15 days before the date of the scheduled examination.]~~

1 (b) The department shall recognize, prepare, administer, or
2 arrange for the administration of an examination under this chapter
3 ~~[board may adopt and enforce rules of procedure for administering~~
4 ~~this section. A public board member may not participate in any part~~
5 ~~of the examination process for applicants for a license issued by~~
6 ~~the board that requires knowledge of the practice of podiatry].~~

7 (c) The license examination must consist of a written and
8 practical component. The department ~~[board]~~ shall determine the
9 passing score for the examination using accepted
10 criterion-referenced methods. The department ~~[board]~~ shall have
11 the examination validated by an independent testing professional.

12 SECTION 26. Section 202.257, Occupations Code, is amended
13 to read as follows:

14 Sec. 202.257. ISSUANCE OF LICENSE. The department ~~[board]~~
15 shall issue a license to each applicant who possesses the
16 qualifications required for a license and passes the examination.

17 SECTION 27. Section 202.259(a), Occupations Code, is
18 amended to read as follows:

19 (a) The commission ~~[board]~~ by rule may adopt a procedure for
20 the issuance of a temporary license to an applicant other than an
21 applicant for a provisional license under Section 202.260.

22 SECTION 28. Sections 202.260(a), (b), (c), and (d),
23 Occupations Code, are amended to read as follows:

24 (a) On application, the department ~~[board]~~ shall grant a
25 provisional license to practice podiatry to an applicant who:

26 (1) is licensed in good standing as a podiatrist in
27 another state that has licensing requirements that are

1 substantially equivalent to the requirements of this chapter;

2 (2) has passed a national or other examination
3 recognized by the department [~~board~~] relating to the practice of
4 podiatry; and

5 (3) is sponsored by a person licensed under this
6 chapter with whom the provisional license holder may practice under
7 this section.

8 (b) The department [~~board~~] may excuse an applicant for a
9 provisional license from the requirement of Subsection (a)(3) if
10 the department [~~board~~] determines that compliance with that
11 subdivision [~~subsection~~] constitutes a hardship to the applicant.

12 (c) A provisional license is valid until the date the
13 department [~~board~~] approves or denies the provisional license
14 holder's application for a license. Except as provided by
15 Subsection (e), the department [~~board~~] shall issue a license under
16 this chapter to the holder of a provisional license under this
17 section if:

18 (1) the provisional license holder passes the
19 examination required by Section 202.254;

20 (2) the department [~~board~~] verifies that the
21 provisional license holder has the academic and experience
22 requirements for a license under this chapter; and

23 (3) the provisional license holder satisfies any other
24 license requirements under this chapter.

25 (d) The department [~~board~~] shall complete the processing of
26 a provisional license holder's application for a license not later
27 than the 180th day after the date the provisional license is issued.

1 The department [~~board~~] may extend that deadline to allow for the
2 receipt of pending examination results.

3 SECTION 29. Sections 202.261(a) and (b), Occupations Code,
4 are amended to read as follows:

5 (a) The department [~~board~~] may issue a license to practice
6 podiatry without administering the examination under Section
7 202.254 to a podiatrist who:

8 (1) at the time of applying for a license has accepted
9 an appointment or is serving as a full-time member of the faculty of
10 an educational institution in this state offering an approved or
11 accredited course of study or training leading to a degree in
12 podiatry;

13 (2) is licensed to practice podiatry in another state
14 that has licensing requirements substantially equivalent to those
15 established by this state; and

16 (3) otherwise satisfies the requirements of Section
17 202.252.

18 (b) For purposes of Subsection (a)(1), a course of study,
19 training, or education is considered to be approved or accredited
20 if it is approved or accredited by the department [~~board~~] as
21 constituting a reputable course of study, training, or education.
22 In deciding whether to approve or accredit a course of study,
23 training, or education, the department [~~board~~] shall consider
24 whether the course is approved or accredited by the Council on
25 Podiatric Medical Education of the American Podiatric Medical
26 Association or its successor organization.

27 SECTION 30. Section 202.262, Occupations Code, is amended

1 to read as follows:

2 Sec. 202.262. DISPLAY OF LICENSE. (a) A person licensed
3 under this chapter must conspicuously display both the license and
4 an unexpired [~~an annual~~] renewal certificate [~~for the current year~~
5 ~~of practice~~] at the location where the person practices.

6 (b) The person shall exhibit the license and renewal
7 certificate to a department [~~board~~] representative on the
8 representative's official request for examination or inspection.

9 SECTION 31. Section 202.263, Occupations Code, is amended
10 to read as follows:

11 Sec. 202.263. ISSUANCE OF DUPLICATE OR AMENDED LICENSE.

12 (a) If a license issued by the department [~~board~~] is lost,
13 destroyed, or stolen from the person to whom it was issued, the
14 license holder shall report the fact to the department and [~~board in~~
15 ~~an affidavit. The affidavit must~~] include detailed information as
16 to the loss, destruction, or theft, giving dates, place, and
17 circumstances.

18 (b) A license holder may apply to the department [~~board~~] for
19 an amended license because of a lawful change in the person's name
20 or degree designation or for any other lawful and sufficient
21 reason. The license holder must state the reasons that the issuance
22 of an amended license is requested.

23 (c) The department [~~board~~] shall issue a duplicate or
24 amended license on application by a license holder and payment of a
25 fee set by the commission [~~board~~] for the duplicate or amended
26 license. The department [~~board~~] may not issue a duplicate or
27 amended license unless:

1 (1) the license holder submits sufficient evidence to
2 prove the license has been lost, destroyed, or stolen or
3 establishes the lawful reason that an amended license should be
4 issued; and

5 (2) the department's [~~board's~~] records show a license
6 had been issued and was in effect at the time of the loss,
7 destruction, or theft or on the date of the request for an amended
8 license.

9 (d) If an amended license is issued, the license holder
10 shall return the original license to the department [~~board~~].

11 SECTION 32. Subchapter G, Chapter 202, Occupations Code, is
12 amended by adding Section 202.3015 to read as follows:

13 Sec. 202.3015. TERM AND RENEWAL. (a) A license issued
14 under this chapter is valid for one or two years as determined by
15 commission rule.

16 (b) The commission by rule shall establish the requirements
17 for renewing a license and issuing a renewal certificate under this
18 chapter, including payment of applicable fees.

19 SECTION 33. Subchapter G, Chapter 202, Occupations Code, is
20 amended by adding Section 202.3025 to read as follows:

21 Sec. 202.3025. CRIMINAL HISTORY RECORD INFORMATION
22 REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant renewing a
23 license issued under this chapter shall submit a complete and
24 legible set of fingerprints for purposes of performing a criminal
25 history record information check of the applicant as provided by
26 Section 202.2525.

27 (b) The department may administratively suspend or refuse

1 to renew the license of a person who does not comply with the
2 requirement of Subsection (a).

3 (c) A license holder is not required to submit fingerprints
4 under this section for the renewal of the license if the license
5 holder has previously submitted fingerprints under:

6 (1) Section 202.2525 for the initial issuance of the
7 license; or

8 (2) this section as part of a prior license renewal.

9 SECTION 34. Section 202.303, Occupations Code, is amended
10 to read as follows:

11 Sec. 202.303. PRACTICE WITHOUT RENEWING LICENSE. A person
12 who practices podiatry with ~~[without]~~ an expired ~~[annual]~~ renewal
13 certificate ~~[for the current year]~~ is considered to be practicing
14 without a license and is subject to all the penalties of the
15 practice of podiatry without a license.

16 SECTION 35. Sections 202.304(a) and (b), Occupations Code,
17 are amended to read as follows:

18 (a) Except as provided by Subsection (c), this section
19 applies to a podiatrist whose license has been suspended or
20 revoked, or whose most recently issued ~~[annual]~~ renewal certificate
21 has expired, while the podiatrist has been:

22 (1) engaged in federal service or on active duty with:

23 (A) the United States Army;

24 (B) the United States Navy;

25 (C) the United States Marine Corps;

26 (D) the United States Coast Guard; or

27 (E) the United States Air Force;

(2) called into service or training of the United States; or

(3) in training or education under the supervision of the United States before induction into military service.

(b) A podiatrist subject to this section may renew the podiatrist's license without paying a renewal fee for the expired license or passing an examination if, not later than the first anniversary of the date of the termination of service, training, or education described by Subsection (a), other than by dishonorable discharge, the podiatrist furnishes to the department [~~board~~] an affidavit stating that the podiatrist has been so engaged and that the service, training, or education has terminated.

SECTION 36. Section 202.305, Occupations Code, is amended to read as follows:

Sec. 202.305. CONTINUING EDUCATION. (a) The commission by rule shall establish the minimum number of hours of continuing education required for license renewal.

(a-1) The department [~~board~~] shall develop a mandatory continuing education program in accordance with commission rules. In developing its program, the department [~~board~~] shall:

(1) [~~establish by rule the minimum hours of continuing education required for license renewal,~~

~~(2)]~~ identify the key factors that lead to the competent performance of professional duties;

(2) [~~(3)~~] develop a process to evaluate and approve continuing education courses; and

(3) [~~(4)~~] develop a process to assess the

1 participation and performance of license holders in continuing
2 education courses to enable the department [~~board~~] to evaluate the
3 overall effectiveness of the program.

4 (b) The department [~~board~~] may assess the continuing
5 education needs of a license holder and require the license holder
6 to attend continuing education courses specified by the department
7 [~~board~~].

8 SECTION 37. The heading to Section 202.352, Occupations
9 Code, is amended to read as follows:

10 Sec. 202.352. [~~BOARD~~] APPROVAL OF NAMES UNDER WHICH
11 PODIATRIST MAY PRACTICE.

12 SECTION 38. Sections 202.352(a) and (b), Occupations Code,
13 are amended to read as follows:

14 (a) The commission [~~board~~] may adopt rules establishing
15 standards or guidelines for the name, including a trade name or
16 assumed name, under which a podiatrist may conduct a practice in
17 this state. In its rules, the commission [~~board~~] may also establish
18 procedures to review and make determinations approving or
19 disapproving a specific name submitted to the department [~~board~~] by
20 one or more podiatrists desiring to practice under a particular
21 name.

22 (b) The authority granted to the commission and department
23 [~~board~~] by this section includes any form of business organization
24 under which a podiatrist conducts a practice, including:

- 25 (1) a sole proprietorship;
26 (2) an association;
27 (3) a partnership;

- 1 (4) a professional corporation;
2 (5) a clinic;
3 (6) a health maintenance organization; and
4 (7) a group practice with a practitioner of another
5 branch of the healing art.

6 SECTION 39. Sections 202.353(a), (c), (d), (e), (f), (g),
7 (h), and (i), Occupations Code, are amended to read as follows:

8 (a) An insurer who delivers or issues for delivery in this
9 state professional liability insurance coverage to a podiatrist who
10 practices in this state shall furnish to the department [~~board~~] the
11 information specified in Subsection (b) relating to:

12 (1) a notice of claim letter or a complaint filed
13 against the insured in a court, if the notice of claim letter or the
14 complaint seeks the recovery of damages based on the insured's
15 conduct in providing or failing to provide medical or health care
16 services; or

17 (2) a settlement of a claim or other legal action made
18 by the insurer on behalf of the insured.

19 (c) If a podiatrist who practices in this state is not
20 covered by professional liability insurance or is insured by an
21 insurer who is not authorized to write professional liability
22 insurance for podiatrists in this state, the affected podiatrist
23 shall submit information to the department [~~board~~] relating to any
24 malpractice action brought against that podiatrist. The podiatrist
25 shall submit the information as required by rules adopted by the
26 commission [~~board~~] under Subsections (d)-(f).

27 (d) In consultation with the commissioner of insurance, the

1 commission [~~board~~] shall adopt rules for reporting the information
2 required under Subsections (a) and (b) and any additional
3 information required by the department [~~board~~].

4 (e) The department [~~board~~] shall consider other claim
5 reports required under state or federal law in determining:

- 6 (1) any additional information to be reported;
- 7 (2) the form of the report; and
- 8 (3) reasonable reporting intervals.

9 (f) The department [~~board~~] may require additional
10 information, including:

- 11 (1) the date of a judgment, dismissal, or settlement
- 12 of a malpractice action;
- 13 (2) whether an appeal has been taken and the identity
- 14 of the party appealing; and
- 15 (3) the amount of any judgment or settlement.

16 (g) An insurer, an agent or employee of the insurer, a
17 commission [~~board~~] member, or an employee or representative of the
18 department [~~board~~] is not liable or subject to a cause of action for
19 an action taken as required under this section.

20 (h) A report or information submitted to the department
21 [~~board~~] under this section or the fact that a report or information
22 has been submitted may not be offered in evidence or in any manner
23 used in the trial of an action brought against a podiatrist based on
24 the podiatrist's conduct in providing or failing to provide medical
25 or health care services.

26 (i) The department [~~board~~] shall review the information
27 relating to a podiatrist against whom three or more malpractice

claims have been reported during any five-year period in the same manner as if a complaint against that podiatrist had been made to the department [~~board~~] under Subchapter E.

SECTION 40. Subchapter H, Chapter 202, Occupations Code, is amended by adding Section 202.354 to read as follows:

Sec. 202.354. DUTIES RELATED TO CERTAIN PRESCRIPTIONS. (a) A podiatrist may not prescribe a drug listed in Subsection (b) to a patient unless the podiatrist has reviewed the patient's prescription history by accessing the prescription information submitted to the Texas State Board of Pharmacy as authorized by Section 481.076(a)(5), Health and Safety Code.

(b) Subsection (a) applies only to the prescribing of:

- (1) opioids;
- (2) benzodiazepines;
- (3) barbiturates; or
- (4) carisoprodol.

(c) Failure by a podiatrist to comply with the requirements of this section is grounds for disciplinary action under Subchapters F and G, Chapter 51.

SECTION 41. Sections 202.404(d) and (e), Occupations Code, are amended to read as follows:

(d) The privilege and confidentiality requirements under this subchapter do not apply in a criminal investigation of or criminal proceeding against a podiatrist in which the department [~~board~~] is participating or assisting by providing certain records obtained from the podiatrist. This subsection does not authorize the release of any confidential information to instigate or

1 substantiate criminal charges against a patient.

2 (e) The department [~~board~~] shall protect the identity of a
3 patient whose podiatric records are examined or provided under
4 Subsection (c) or (d), other than a patient who:

5 (1) is covered under Subsection (a)(1); or

6 (2) has submitted written consent to the release of
7 the patient's podiatric records as provided by Section 202.406.

8 SECTION 42. Section 202.452(a), Occupations Code, is
9 amended to read as follows:

10 (a) Written or oral communications made to a podiatric peer
11 review committee and the records and proceedings of a peer review
12 committee may be disclosed to:

13 (1) another podiatric peer review committee;

14 (2) an appropriate state or federal agency;

15 (3) a national accreditation body; or

16 (4) the department [~~board~~] or the state board of
17 registration or licensing of podiatrists in another state.

18 SECTION 43. Section 202.453, Occupations Code, is amended
19 to read as follows:

20 Sec. 202.453. INFORMATION PROVIDED TO AFFECTED PODIATRIST.
21 A podiatric peer review committee that takes action that could
22 result in censure or suspension, restriction, limitation, or
23 revocation of a license by the commission or executive director
24 [~~board~~] or a denial of a podiatrist's membership or privileges in a
25 health care entity shall provide the affected podiatrist a written
26 copy of the committee's recommendation and a copy of the final
27 decision, including a statement of the basis for the decision.

SECTION 44. Section 202.455(f), Occupations Code, is amended to read as follows:

(f) The disclosure of documents or information under a subpoena issued by the department [~~board~~] does not constitute a waiver of the confidentiality privilege associated with a podiatric peer review committee proceeding.

SECTION 45. Section 202.456(b), Occupations Code, is amended to read as follows:

(b) A person, including a health care entity or podiatric peer review committee, that participates in podiatric peer review activity or furnishes records, information, or assistance to a podiatric peer review committee or to the department [~~board~~] is immune from civil liability arising from those acts if the person acted in good faith and without malice.

SECTION 46. The heading to Section 202.501, Occupations Code, is amended to read as follows:

Sec. 202.501. [~~BOARD~~] DISCIPLINARY POWERS; ADMINISTRATIVE PROCEDURE.

SECTION 47. Sections 202.501(a) and (d), Occupations Code, are amended to read as follows:

(a) The commission or executive director [~~board~~] shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for violating the law regulating the practice of podiatry or a rule adopted by the commission under this chapter [~~board~~].

(d) A person whose license to practice podiatry has been revoked or suspended by order of the commission or executive

1 director [~~board~~] may appeal the action to a district court in Travis
2 County. The [~~board's~~] decision of the commission or the executive
3 director may not be enjoined or stayed except on application to the
4 district court after notice to the department [~~board~~].

5 SECTION 48. Section 202.502, Occupations Code, is amended
6 to read as follows:

7 Sec. 202.502. REVOCATION AND SUSPENSION OF LICENSE FOR
8 DRUG-RELATED FELONY CONVICTION. (a) The commission or executive
9 director [~~board~~] shall suspend a person's license after an
10 administrative hearing conducted in accordance with Chapter 2001,
11 Government Code, in which the commission or executive director
12 [~~board~~] determines that the license holder has been convicted of a
13 felony under Chapter 481 or 483, Health and Safety Code, or Section
14 485.033, Health and Safety Code.

15 (b) On the person's final conviction, the commission or
16 executive director [~~board~~] shall revoke the person's license.

17 (c) The department [~~board~~] may not reinstate or reissue a
18 license to a person whose license is suspended or revoked under this
19 section except on an express determination based on substantial
20 evidence contained in an investigative report indicating that the
21 reinstatement or reissuance of the license is in the best interests
22 of the public and of the person whose license has been suspended or
23 revoked.

24 SECTION 49. The heading to Section 202.503, Occupations
25 Code, is amended to read as follows:

26 Sec. 202.503. PROBATION[~~, HEARING~~].

27 SECTION 50. Section 202.503(a), Occupations Code, is

1 amended to read as follows:

2 (a) The commission or executive director [~~board, on~~
3 ~~majority vote,~~] may probate an order revoking [~~or suspending~~] a
4 podiatrist's license conditioned on the podiatrist conforming to
5 any order or rule the commission [~~board~~] adopts as the condition of
6 probation. The commission or executive director [~~board~~], at the
7 time of probation, shall set the term of the probationary period.

8 SECTION 51. Section 202.504, Occupations Code, is amended
9 to read as follows:

10 Sec. 202.504. REISSUANCE OF LICENSE. (a) On application,
11 the department [~~board~~] may reissue a license to practice podiatry
12 to a person whose license has been revoked or suspended.

13 (b) A person whose license has been revoked may not apply
14 for a reissued license before the first anniversary of the date of
15 the revocation. The person shall apply for the license in the
16 manner and form required by the department [~~board~~].

17 SECTION 52. Section 202.505, Occupations Code, is amended
18 to read as follows:

19 Sec. 202.505. REEXAMINATION IF LICENSE SUSPENDED OR
20 REVOKED. The department [~~board~~] may refuse to reinstate a license
21 or to issue a new license until a podiatrist has passed the regular
22 license examination if the commission or executive director [~~board~~]
23 suspended or revoked the license for:

24 (1) failure to satisfy continuing education
25 requirements under Section 202.305; or

26 (2) nonpayment of the [~~annual~~] license renewal fee.

27 SECTION 53. Subchapter K, Chapter 202, Occupations Code, is

1 amended by adding Section 202.5071 to read as follows:

2 Sec. 202.5071. SUBPOENA AUTHORITY. The department may
3 issue a subpoena as provided by Section 51.3512.

4 SECTION 54. Section 202.5085, Occupations Code, is amended
5 to read as follows:

6 Sec. 202.5085. REFUND. (a) Subject to Subsection (b), the
7 commission or executive director [~~board~~] may order a person
8 licensed under this chapter to pay a refund to a consumer as
9 provided in an agreed settlement, default order, or commission
10 order [~~agreement resulting from an informal settlement conference~~]
11 instead of or in addition to imposing an administrative penalty
12 against the person [~~under this chapter~~].

13 (b) The amount of a refund ordered [~~as provided in an~~
14 ~~agreement resulting from an informal settlement conference~~] may not
15 exceed the amount the consumer paid to the person for a service
16 regulated by this chapter. The commission or executive director
17 [~~board~~] may not require payment of other damages or estimate harm in
18 a refund order.

19 SECTION 55. Section 202.509, Occupations Code, is amended
20 to read as follows:

21 Sec. 202.509. CONFIDENTIALITY AND DISCLOSURE OF
22 INVESTIGATIVE INFORMATION. (a) Except as provided by Subsections
23 (b), (d), and (f) of this section, Section 202.2031, and Section
24 202.2032, a [A] complaint, report, investigation file, or other
25 investigative information in the possession of or received or
26 gathered by the department [~~board~~] or an employee or agent of the
27 department [~~board~~] that relates to a license holder, a license

1 application, or a criminal investigation or proceeding is
2 privileged, confidential, and not subject to discovery, subpoena,
3 or any other legal method of compelling release.

4 (b) Subject to any other privilege or restriction
5 established by law, not later than the 30th day after the date the
6 department [~~board~~] receives a written request from a license
7 holder, or the license holder's attorney, who is the subject of a
8 formal complaint, the department [~~board~~] shall provide the license
9 holder with access to all information in the department's [~~board's~~]
10 possession that the department [~~board~~] intends to offer into
11 evidence at the contested case hearing on the complaint. The
12 department [~~board~~] may provide access to the information to the
13 license holder after the 30th day after the date the department
14 [~~board~~] receives a request only on a showing of good cause.

15 (c) The department [~~board~~] is not required under Subsection
16 (b) to provide access to the department's [~~board's~~] investigative
17 reports or memoranda, release the identity of a complainant who
18 will not testify at the hearing, or release information that is an
19 attorney's work product or protected by the attorney-client
20 privilege or another privilege recognized by the Texas Rules of
21 Civil Procedure or Texas Rules of Evidence. [~~The furnishing of~~
22 ~~information under Subsection (b) does not constitute a waiver of~~
23 ~~any privilege or confidentiality provision under law.~~]

24 (d) Investigative information in the department's [~~board's~~]
25 possession that relates to a disciplinary action regarding a
26 license holder may be disclosed to:

27 (1) a licensing agency regulating the practice of

1 podiatry in another state or country in which the license holder is
2 also licensed or has applied for a license; ~~[or]~~

3 (2) a peer review committee reviewing a license
4 holder's application for privileges or the license holder's
5 qualifications with regard to retaining the privileges;

6 (3) a person involved with the department in a
7 disciplinary action against the license holder;

8 (4) a peer assistance program approved by the
9 commission under Chapter 467, Health and Safety Code;

10 (5) a law enforcement agency; and

11 (6) a person engaged in bona fide research, provided
12 all individual-identifying information has been deleted.

13 (e) The department ~~[board]~~ shall report to the appropriate
14 law enforcement agency information obtained by the department
15 ~~[board]~~ in the course of an investigation that indicates that a
16 crime may have been committed. The department ~~[board]~~ shall
17 cooperate and assist a law enforcement agency conducting a criminal
18 investigation of a license holder by providing relevant information
19 to the agency. Information provided to a law enforcement agency by
20 the department ~~[board]~~ is confidential and may not be disclosed
21 except as necessary to conduct the investigation.

22 (f) The department ~~[board]~~ shall provide information to a
23 health care entity on the written request of the entity concerning:

24 (1) a complaint filed against a license holder that
25 was resolved after an investigation by the department ~~[board]~~ or
26 resolved by an agreed settlement; and

27 (2) the basis for and status of an active

1 investigation concerning a license holder.

2 (g) The department's disclosure of information under
3 Subsection (b), (d), or (f) of this section, Section 202.2031, or
4 Section 202.2032 does not constitute a waiver of privilege or
5 confidentiality under this chapter or any other law.

6 (h) The department shall protect the identity of a
7 complainant to the extent possible.

8 SECTION 56. The heading to Subchapter M, Chapter 202,
9 Occupations Code, is amended to read as follows:

10 SUBCHAPTER M. ~~[OTHER]~~ PENALTIES AND ENFORCEMENT PROVISIONS

11 SECTION 57. Subchapter M, Chapter 202, Occupations Code, is
12 amended by adding Section 202.6011 to read as follows:

13 Sec. 202.6011. PENALTY SCHEDULE. The commission by rule
14 shall develop a standardized penalty schedule, including
15 recommended penalty amounts for each category of punishable conduct
16 listed in the schedule, based on the criteria listed in Section
17 51.302(b).

18 SECTION 58. Section 202.602, Occupations Code, is amended
19 to read as follows:

20 Sec. 202.602. MONITORING AND INSPECTION OF LICENSE HOLDER.

21 (a) The commission ~~[board]~~ by rule shall develop a system to
22 monitor a podiatrist's compliance with this chapter. The system
23 must include:

24 (1) procedures for determining whether a podiatrist is
25 in compliance with an order issued by the commission or executive
26 director ~~[board]~~; and

27 (2) a method of identifying and monitoring each

1 podiatrist who represents a risk to the public.

2 (b) The department [~~board~~], during reasonable business
3 hours, may enter the business premises of a person regulated by the
4 department under this chapter [~~board~~] without notice to:

5 (1) investigate a complaint filed with the department
6 [~~board~~]; or

7 (2) determine compliance with an order of the
8 commission or executive director issued under this chapter [~~board~~].

9 SECTION 59. Subchapter M, Chapter 202, Occupations Code, is
10 amended by adding Section 202.6025 to read as follows:

11 Sec. 202.6025. MONITORING HARMFUL PRESCRIBING PATTERNS.

12 (a) The department shall periodically check the prescribing
13 information submitted to the Texas State Board of Pharmacy as
14 authorized by Section 481.076(a)(1), Health and Safety Code, to
15 determine whether a podiatrist licensed under this chapter is
16 engaging in potentially harmful prescribing patterns or practices.

17 (b) The department, in coordination with the advisory board
18 and the Texas State Board of Pharmacy, shall determine, subject to
19 approval by the commission, the conduct that constitutes a
20 potentially harmful prescribing pattern or practice for purposes of
21 Subsection (a). In determining the conduct that constitutes a
22 potentially harmful prescribing pattern or practice, the
23 department shall consider:

24 (1) the number of times a podiatrist prescribes a drug
25 listed in Section 202.354(b); and

26 (2) for prescriptions described by Subdivision (1),
27 patterns of prescribing combinations of those drugs and other

1 dangerous combinations of drugs identified by the department in
2 coordination with the advisory board.

3 (c) If the department suspects that a podiatrist licensed
4 under this chapter may be engaging in potentially harmful
5 prescribing patterns or practices, the department may notify the
6 podiatrist of the potentially harmful prescribing pattern or
7 practice.

8 (d) The department may initiate a complaint against a
9 podiatrist based on information obtained under this section.

10 SECTION 60. Section 202.603, Occupations Code, is amended
11 to read as follows:

12 Sec. 202.603. PROSECUTION OF VIOLATION. The department
13 ~~[board]~~ shall take action to ensure the prosecution of each person
14 who violates this chapter and may incur reasonably necessary
15 related expenses.

16 SECTION 61. Section 202.604, Occupations Code, is amended
17 to read as follows:

18 Sec. 202.604. CIVIL PENALTY: USE OF TRADE NAME;
19 INJUNCTION. (a) A person who violates Section 202.352 or a rule
20 adopted or a determination made by the commission ~~[board]~~ under
21 that section is subject to a civil penalty of not less than \$50 or
22 more than \$500 for each day of violation.

23 (b) If it appears that a person has violated or is violating
24 Section 202.352 or a rule adopted or determination made by the
25 commission ~~[board]~~ under that section, the department ~~[board]~~ may
26 institute a civil action in district court for:

27 (1) injunctive relief to restrain the person from

1 continuing the violation;

2 (2) the assessment and recovery of a civil penalty
3 under Subsection (a); or

4 (3) both injunctive relief and the civil penalty.

5 (c) At the request of the department [~~board~~], the attorney
6 general shall institute and conduct the action in the name of the
7 state.

8 SECTION 62. Section 481.352, Health and Safety Code, is
9 amended to read as follows:

10 Sec. 481.352. MEMBERS. The work group is composed of:

11 (1) the executive director of the board or the
12 executive director's designee, who serves as chair of the work
13 group;

14 (2) the commissioner of state health services or the
15 commissioner's designee;

16 (3) the executive director of the Texas Medical Board
17 or the executive director's designee;

18 (4) the executive director of the Texas Board of
19 Nursing or the executive director's designee;

20 (5) the executive director of the Texas Physician
21 Assistant Board or the executive director's designee;

22 (6) the executive director of the State Board of
23 Dental Examiners or the executive director's designee;

24 (7) the executive director of the Texas Optometry
25 Board or the executive director's designee;

26 (8) the executive director of the Texas Department of
27 Licensing and Regulation [~~State Board of Podiatric Medical~~]

1 ~~Examiners]~~ or the executive director's designee;

2 (9) the executive director of the State Board of
3 Veterinary Medical Examiners or the executive director's designee;
4 and

5 (10) a medical examiner appointed by the board.

6 SECTION 63. The following provisions of the Occupations
7 Code are repealed:

8 (1) Section 202.002;

9 (2) Section 202.052;

10 (3) Sections 202.059(b) and (c);

11 (4) Section 202.060;

12 (5) Subchapter C, Chapter 202;

13 (6) Section 202.151;

14 (7) Section 202.152;

15 (8) Section 202.1525;

16 (9) Section 202.154;

17 (10) Section 202.1545;

18 (11) Section 202.155;

19 (12) Section 202.156;

20 (13) Section 202.157;

21 (14) Section 202.158;

22 (15) Section 202.162;

23 (16) Section 202.163;

24 (17) Section 202.201;

25 (18) Section 202.202;

26 (19) Section 202.203;

27 (20) Section 202.204;

- 1 (21) Section 202.205;
- 2 (22) Sections 202.252(c) and (d);
- 3 (23) Section 202.254(e);
- 4 (24) Section 202.255;
- 5 (25) Section 202.264;
- 6 (26) Section 202.301;
- 7 (27) Section 202.302;
- 8 (28) Section 202.501(b);
- 9 (29) Sections 202.503(b), (c), (d), and (e);
- 10 (30) Section 202.507;
- 11 (31) Section 202.508;
- 12 (32) Section 202.510;
- 13 (33) Subchapter L, Chapter 202;
- 14 (34) Section 202.601; and
- 15 (35) Section 202.6015.

16 SECTION 64. (a) In this section:

17 (1) "Commission" means the Texas Commission of
18 Licensing and Regulation.

19 (2) "Department" means the Texas Department of
20 Licensing and Regulation.

21 (3) "Former board" means the Texas State Board of
22 Podiatric Medical Examiners.

23 (b) On September 1, 2017:

24 (1) all functions and activities performed by the
25 former board immediately before that date are transferred to the
26 department;

27 (2) all rules, fees, policies, procedures, decisions,

1 and forms adopted by the former board are continued in effect as
2 rules, fees, policies, procedures, decisions, and forms of the
3 commission or the department, as applicable, and remain in effect
4 until amended or replaced by the commission or department;

5 (3) a complaint, investigation, contested case, or
6 other proceeding before the former board that is pending on
7 September 1, 2017, is transferred without change in status to the
8 department or the commission, as appropriate;

9 (4) all money, contracts, leases, property, and
10 obligations of the former board are transferred to the department;

11 (5) all property in the custody of the former board is
12 transferred to the department; and

13 (6) the unexpended and unobligated balance of any
14 money appropriated by the legislature for the former board is
15 transferred to the department.

16 (c) The former board shall provide the department with
17 access to any systems or information necessary for the department
18 to accept the program transferred under this Act, including:

19 (1) licensing, revenue, and expenditure systems;

20 (2) rights to service contracts and licensing
21 agreements;

22 (3) use of online renewal and new application systems;
23 and

24 (4) review and resolution of pending judgments and
25 outstanding expenditures.

26 (d) Unless the context indicates otherwise, a reference to
27 the former board in a law or administrative rule means the

1 commission or the department, as applicable.

2 (e) A license or certificate issued by the former board is
3 continued in effect as a license or certificate of the department.

4 (f) On September 1, 2017, all full-time equivalent employee
5 positions at the former board that primarily concern the
6 administration or enforcement of Chapter 202, Occupations Code,
7 become positions at the department. The department shall post the
8 positions for hiring and, when filling the positions, shall give
9 first consideration to, but is not required to hire, an applicant
10 who, as of August 31, 2017, was an employee at the former board
11 primarily involved in administering or enforcing Chapter 202,
12 Occupations Code.

13 SECTION 65. (a) On September 1, 2017, the terms of the
14 members serving on the Texas State Board of Podiatric Medical
15 Examiners expire, and the Texas State Board of Podiatric Medical
16 Examiners is abolished.

17 (b) Not later than December 1, 2017, the governor shall
18 appoint members to the Podiatric Medical Examiners Advisory Board
19 in accordance with Section 202.051, Occupations Code, as amended by
20 this Act. A member whose term expired under Subsection (a) of this
21 section is eligible for reappointment to the advisory board.

22 (c) The members whose terms expire under Subsection (a) of
23 this section shall continue to provide advice to the Texas
24 Department of Licensing and Regulation until a majority of the
25 members of the advisory board are appointed under Subsection (b) of
26 this section and qualified.

27 SECTION 66. Section 202.061, Occupations Code, as amended

1 by this Act, applies only to a member of the Podiatric Medical
2 Examiners Advisory Board appointed on or after the effective date
3 of this Act.

4 SECTION 67. (a) As soon as possible after the effective
5 date of this Act, the Texas Commission of Licensing and Regulation
6 shall adopt the rules necessary to implement Section 202.252,
7 Occupations Code, as amended by this Act.

8 (b) Not later than September 1, 2019, the Texas Department
9 of Licensing and Regulation shall obtain criminal history record
10 information on each person who, on the effective date of this Act,
11 holds a license issued under Chapter 202, Occupations Code, and did
12 not undergo a criminal history record information check based on
13 the license holder's fingerprints on initial application for the
14 license. The department may suspend the license of a license holder
15 who does not provide the criminal history record information as
16 required by the department and this subsection.

17 SECTION 68. Section 202.354, Occupations Code, as added by
18 this Act, applies only to a prescription issued on or after
19 September 1, 2018. A prescription issued before September 1, 2018,
20 is governed by the law in effect on the date the prescription is
21 issued, and the former law is continued in effect for that purpose.

22 SECTION 69. The changes in law made by this Act do not
23 affect the validity of a disciplinary action or other proceeding
24 that was initiated before the effective date of this Act and that is
25 pending before a court or other governmental entity on the
26 effective date of this Act.

27 SECTION 70. (a) A violation of a law that is repealed by

1 this Act is governed by the law in effect when the violation was
2 committed, and the former law is continued in effect for that
3 purpose.

4 (b) For purposes of this section, a violation was committed
5 before the effective date of this Act if any element of the
6 violation occurred before that date.

7 SECTION 71. This Act takes effect September 1, 2017.

ADOPTED

MAY 19 2017

Atty. Gen. Paul
Secretary of the Senate

By: Thompson, Senfronia

H.B. No. 3078

Substitute the following for __.B. No. ____:

By: Charles Perry

C.S. H.B. No. 3078

A BILL TO BE ENTITLED

1 AN ACT

2 relating to sunset review of the Texas Commission of Licensing and
3 Regulation and the Texas Department of Licensing and Regulation and
4 the transfer of the regulation of podiatry to the Texas Department
5 of Licensing and Regulation; authorizing a reduction in fees.

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

7 SECTION 1. Section 51.002, Occupations Code, is amended to
8 read as follows:

9 Sec. 51.002. APPLICATION OF SUNSET ACT. The Texas
10 Commission of Licensing and Regulation and the Texas Department of
11 Licensing and Regulation are subject to Chapter 325, Government
12 Code (Texas Sunset Act). Unless continued in existence as provided
13 by that chapter, the commission and the department are abolished
14 September 1, 2021 [~~2019~~].

15 SECTION 2. Subchapter D, Chapter 51, Occupations Code, is
16 amended by adding Section 51.2032 to read as follows:

17 Sec. 51.2032. RULES REGARDING PODIATRY; PROVISION OF
18 INFORMATION. (a) In this section, "advisory board" means the
19 Podiatric Medical Examiners Advisory Board.

20 (b) The commission may not adopt a new rule relating to the
21 scope of practice of, a health-related standard of care for, or the
22 ethical practice of the profession of podiatry unless the rule has
23 been proposed by the advisory board. The commission shall adopt
24 rules prescribing the procedure by which the advisory board may

1 propose rules described by this subsection.

2 (c) For each rule proposed under Subsection (b), the
3 commission shall either adopt the rule as proposed or return the
4 rule to the advisory board for revision. The commission retains
5 authority for final adoption of all rules and is responsible for
6 ensuring compliance with all laws regarding the rulemaking process.

7 (d) The commission shall adopt rules clearly specifying the
8 manner in which the department and commission will solicit input
9 from, and on request provide information to, the advisory board
10 regarding:

11 (1) continuing education requirements; and

12 (2) the general investigative, enforcement, or
13 disciplinary procedures of the department or commission.

14 SECTION 3. Section 202.001(a), Occupations Code, is amended
15 by amending Subdivisions (1) and (2) and adding Subdivisions (1-a)
16 and (1-b) to read as follows:

17 (1) "Advisory board" ["Board"] means the Podiatric
18 Medical Examiners Advisory Board [Texas State Board of Podiatric
19 Medical Examiners].

20 (1-a) "Commission" means the Texas Commission of
21 Licensing and Regulation.

22 (1-b) "Department" means the Texas Department of
23 Licensing and Regulation.

24 (2) "Executive director" means the executive director
25 of the Texas Department of Licensing and Regulation [employee of
26 the board who manages the board's day-to-day operations].

27 SECTION 4. The heading to Subchapter B, Chapter 202,

1 Occupations Code, is amended to read as follows:

2 SUBCHAPTER B. [~~TEXAS STATE BOARD OF~~] PODIATRIC MEDICAL EXAMINERS

3 ADVISORY BOARD

4 SECTION 5. Section 202.051(a), Occupations Code, is amended
5 to read as follows:

6 (a) The [~~Texas State Board of~~] Podiatric Medical Examiners
7 Advisory Board consists of nine members appointed by the governor
8 as follows:

9 (1) six members who are licensed in this state to
10 practice podiatry and [~~are reputable practicing podiatrists who~~
11 ~~have resided in this state and~~] have been actively engaged in the
12 practice of podiatry for the five years preceding appointment; and

13 (2) three members who represent the public.

14 SECTION 6. Section 202.053, Occupations Code, is amended to
15 read as follows:

16 Sec. 202.053. PUBLIC MEMBER ELIGIBILITY. A person is not
17 eligible for appointment as a public member of the advisory board if
18 the person or the person's spouse:

19 (1) is registered, certified, or licensed by an
20 occupational regulatory agency in the field of health care;

21 (2) is employed by or participates in the management
22 of a business entity or other organization regulated by the
23 department [~~board~~] or receiving funds from the department [~~board~~];

24 (3) owns or controls, directly or indirectly, more
25 than a 10 percent interest in a business entity or other
26 organization regulated by the department [~~board~~] or receiving funds
27 from the department [~~board~~]; or

1 (4) uses or receives a substantial amount of tangible
2 goods, services, or funds from the department ~~[board]~~, other than
3 ~~[compensation or]~~ reimbursement authorized by law for advisory
4 board membership, attendance, or expenses.

5 SECTION 7. Sections 202.054(b) and (c), Occupations Code,
6 are amended to read as follows:

7 (b) A person may not be a member of the advisory board ~~[and~~
8 ~~may not be a board employee employed in a "bona fide executive,~~
9 ~~administrative, or professional capacity," as that phrase is used~~
10 ~~for purposes of establishing an exemption to the overtime~~
11 ~~provisions of the federal Fair Labor Standards Act of 1938 (29~~
12 ~~U.S.C. Section 201 et seq.)]~~ if:

13 (1) the person is an officer, employee, or paid
14 consultant of a Texas trade association in the field of health care;
15 or

16 (2) the person's spouse is an officer, manager, or paid
17 consultant of a Texas trade association in the field of health care.

18 (c) A person may not be a member of the advisory board ~~[or~~
19 ~~act as the general counsel to the board]~~ if the person is required
20 to register as a lobbyist under Chapter 305, Government Code,
21 because of the person's activities for compensation on behalf of a
22 profession related to the operation of the advisory board.

23 SECTION 8. Section 202.055, Occupations Code, is amended to
24 read as follows:

25 Sec. 202.055. TERMS; VACANCIES. (a) Members of the
26 advisory board serve staggered six-year terms, with the term of
27 three members expiring on February 1 of each odd-numbered year. At

1 the expiration of the term of each member, the governor shall
2 appoint a successor.

3 (b) If a vacancy occurs during a term, the governor shall
4 appoint a replacement who meets the qualifications of the vacated
5 position to serve for the remainder of the term.

6 SECTION 9. Section 202.056, Occupations Code, is amended to
7 read as follows:

8 Sec. 202.056. GROUNDS FOR REMOVAL. (a) It is a ground for
9 removal from the advisory board that a member:

10 (1) does not have at the time of taking office the
11 qualifications required by Section 202.051 or 202.053;

12 (2) does not maintain during service on the advisory
13 board the qualifications required by Section 202.051 or 202.053;

14 (3) is ineligible for membership under Section
15 202.054;

16 (4) cannot, because of illness or disability,
17 discharge the member's duties for a substantial part of the member's
18 term; or

19 (5) is absent from more than half of the regularly
20 scheduled advisory board meetings that the member is eligible to
21 attend during a calendar year unless the absence is excused by a
22 majority vote of the advisory board.

23 (b) The validity of an action of the advisory board is not
24 affected by the fact that the action is taken when a ground for
25 removal of an advisory [a] board member exists.

26 (c) If the executive director has knowledge that a potential
27 ground for removal exists, the executive director shall notify the

1 ~~[president of the board of the potential ground. The president~~
2 ~~shall then notify the]~~ governor and the attorney general that a
3 potential ground for removal exists. ~~[If the potential ground for~~
4 ~~removal involves the president, the executive director shall notify~~
5 ~~the next highest ranking officer of the board, who shall then notify~~
6 ~~the governor and the attorney general that a potential ground for~~
7 ~~removal exists.]~~

8 SECTION 10. Section 202.057, Occupations Code, is amended
9 to read as follows:

10 Sec. 202.057. COMPENSATION ~~[PER DIEM]~~; REIMBURSEMENT OF
11 EXPENSES. An advisory board member may not receive compensation
12 but is entitled to ~~[(a) Each board member is entitled to a per diem~~
13 ~~as set by legislative appropriation for each day the member engages~~
14 ~~in the business of the board.~~

15 ~~[(b) A member may receive]~~ reimbursement for actual and
16 necessary expenses incurred in performing the functions of the
17 advisory board, subject to ~~[travel expenses, including expenses for~~
18 ~~meals, lodging, and transportation, as prescribed by]~~ the General
19 Appropriations Act.

20 ~~[(c) The secretary of the board is entitled to reimbursement~~
21 ~~for the secretary's necessary expenses incurred in the performance~~
22 ~~of services for the board.]~~

23 SECTION 11. Section 202.058, Occupations Code, is amended
24 to read as follows:

25 Sec. 202.058. PRESIDING OFFICER ~~[OFFICERS]~~. ~~[(a)]~~ The
26 governor shall appoint one ~~[designate a member]~~ of the advisory
27 board members to serve as presiding officer ~~[the president]~~ of the

1 advisory board at the pleasure of the governor. The presiding
2 officer may vote on any matter before the advisory board [~~to serve~~
3 ~~in that capacity at the pleasure of the governor~~].

4 [~~(b) At the first regular scheduled meeting of each~~
5 ~~biennium, the board shall elect from its members a vice president~~
6 ~~and secretary.~~]

7 SECTION 12. Section 202.059(a), Occupations Code, is
8 amended to read as follows:

9 (a) The advisory board shall meet at the call of the
10 presiding officer of the commission or the executive director [~~hold~~
11 ~~regular meetings at least twice a year and special meetings as~~
12 ~~necessary. The board shall hold the meetings at times and places~~
13 ~~the board considers most convenient for applicants for license~~
14 ~~examinations~~].

15 SECTION 13. Section 202.061, Occupations Code, is amended
16 to read as follows:

17 Sec. 202.061. TRAINING. (a) A person who is appointed to
18 and qualifies for office as a member of the advisory board may not
19 vote, deliberate, or be counted as a member in attendance at a
20 meeting of the advisory board until the person completes a training
21 program that complies with this section.

22 (b) The training program must provide the person with
23 information regarding:

24 (1) this chapter;

25 (2) [~~and~~] the department's programs, functions, and
26 rules with respect to this chapter [~~, and budget of the board~~];

27 (3) [~~(2)~~] the results of the most recent formal audit

1 of the department with respect to this chapter ~~[board]~~;

2 (4) the scope and limitations on the rulemaking
3 authority of the advisory board;

4 (5) [~~4~~] the requirements of:

5 (A) laws relating to open meetings, public
6 information, administrative procedure, and disclosing conflicts of
7 interest; and

8 (B) other laws applicable to members of the
9 advisory board in performing the members' duties; and

10 (6) [~~4~~] any applicable ethics policies adopted by
11 the commission ~~[board]~~ or the Texas Ethics Commission.

12 (c) The executive director shall create a training manual
13 that includes the information required by Subsection (b). The
14 executive director shall distribute a copy of the training manual
15 annually to each advisory board member. On receipt of the training
16 manual, each advisory board member shall sign and submit to the
17 executive director a statement acknowledging receipt of the
18 training manual. [~~A person appointed to the board may be entitled~~
19 ~~to reimbursement, as provided by the General Appropriations Act,~~
20 ~~for the travel expenses incurred in attending the training program~~
21 ~~regardless of whether the attendance at the program occurs before~~
22 ~~or after the person qualifies for office.]~~

23 SECTION 14. Subchapter B, Chapter 202, Occupations Code, is
24 amended by adding Section 202.062 to read as follows:

25 Sec. 202.062. DUTIES OF ADVISORY BOARD. The advisory board
26 shall provide advice and recommendations to the department on
27 technical matters relevant to the administration of this chapter.

1 SECTION 15. The heading to Subchapter D, Chapter 202,
2 Occupations Code, is amended to read as follows:

3 SUBCHAPTER D. [~~BOARD~~] POWERS AND DUTIES

4 SECTION 16. Subchapter D, Chapter 202, Occupations Code, is
5 amended by adding Section 202.1515 to read as follows:

6 Sec. 202.1515. GENERAL POWERS AND DUTIES. (a) The
7 executive director shall administer and enforce this chapter.

8 (b) The commission shall adopt rules necessary to
9 administer and enforce this chapter.

10 SECTION 17. Section 202.153, Occupations Code, is amended
11 to read as follows:

12 Sec. 202.153. FEES. [~~(a)~~] The commission [~~board~~] by rule
13 shall establish fees in amounts reasonable and necessary to cover
14 the cost of administering this chapter. [~~The board may not set a~~
15 ~~fee that existed on September 1, 1993, in an amount less than the~~
16 ~~amount of that fee on that date.~~

17 [~~(b) The board may not maintain unnecessary fund balances,~~
18 ~~and fee amounts shall be established in accordance with this~~
19 ~~requirement.~~]

20 SECTION 18. Section 202.160, Occupations Code, is amended
21 to read as follows:

22 Sec. 202.160. INFORMATION PROVIDED TO LICENSE HOLDERS. At
23 least once each biennium, the department [~~board~~] shall provide to
24 license holders information on:

25 (1) prescribing and dispensing pain medications, with
26 particular emphasis on Schedule II and Schedule III controlled
27 substances;

(2) abusive and addictive behavior of certain persons who use prescription pain medications;

(3) common diversion strategies employed by certain persons who use prescription pain medications, including fraudulent prescription patterns; and

(4) the appropriate use of pain medications and the differences between addiction, pseudo-addiction, tolerance, and physical dependence.

SECTION 19. Section 202.161, Occupations Code, is amended to read as follows:

Sec. 202.161. POISON CONTROL CENTER INFORMATION. The department ~~[board]~~ shall provide to license holders information regarding the services provided by poison control centers.

SECTION 20. The heading to Subchapter E, Chapter 202, Occupations Code, is amended to read as follows:

SUBCHAPTER E. ~~[PUBLIC INTEREST INFORMATION AND]~~ COMPLAINT
PROCEDURES

SECTION 21. Subchapter E, Chapter 202, Occupations Code, is amended by adding Section 202.2025 to read as follows:

Sec. 202.2025. COMPLAINT PRIORITY. The executive director shall develop, implement, and enforce a written policy for determining the complaints filed under this chapter that will be given priority for investigation and resolution by the department.

SECTION 22. Subchapter E, Chapter 202, Occupations Code, is amended by adding Sections 202.2031 and 202.2032 to read as follows:

Sec. 202.2031. NOTIFICATION TO PARTIES REGARDING

1 COMPLAINT. (a) The department shall notify a license holder who is
2 the subject of a complaint filed with the department that a
3 complaint has been filed and shall notify the license holder of the
4 nature of the complaint.

5 (b) The department is not required to provide notice under
6 this section if the notice would jeopardize an investigation.

7 Sec. 202.2032. REQUIREMENTS FOR CERTAIN COMPLAINTS. (a)
8 In this section:

9 (1) "Anonymous complaint" means a complaint that lacks
10 sufficient information to identify the source or the name of the
11 person who filed the complaint.

12 (2) "Insurance agent" means a person licensed under
13 Chapter 4054, Insurance Code.

14 (3) "Insurer" means an insurance company or other
15 entity authorized to engage in the business of insurance under
16 Subtitle C, Title 6, Insurance Code.

17 (4) "Third-party administrator" means a person
18 required to have a certificate of authority under Chapter 4151,
19 Insurance Code.

20 (b) The department may not accept anonymous complaints.

21 (c) Notwithstanding any confidentiality requirements under
22 Chapter 552, Government Code, or this chapter, a complaint filed
23 with the department by an insurance agent, insurer, pharmaceutical
24 company, or third-party administrator against a license holder must
25 include the name and address of the insurance agent, insurer,
26 pharmaceutical company, or third-party administrator filing the
27 complaint.

1 (d) Not later than the 15th day after the date the complaint
2 is filed with the department, the department shall notify the
3 license holder who is the subject of the complaint of the name and
4 address of the insurance agent, insurer, pharmaceutical company, or
5 third-party administrator who filed the complaint, unless the
6 notice would jeopardize an investigation.

7 SECTION 23. Sections 202.252(a), (b), (e), and (f),
8 Occupations Code, are amended to read as follows:

9 (a) An application for a license under this chapter must be
10 submitted in the manner and on a form prescribed by the executive
11 director [~~A person who desires to practice podiatry in this state~~
12 ~~shall apply in writing to the board for a license on a form~~
13 ~~prescribed by the board~~].

14 (b) The commission by rule shall establish the information
15 and documentation required to be submitted as part of an
16 application for a license under this chapter [~~applicant shall~~
17 ~~submit any information reasonably required by the board~~], including
18 evidence satisfactory to the commission or department [~~board~~] that
19 the applicant:

20 (1) is at least 21 years of age;

21 (2) [~~is of good moral character,~~

22 [~~(3)~~] has completed at least 90 semester hours of
23 college courses acceptable at the time of completion for credit
24 toward a bachelor's degree at an institution of higher education
25 determined by the department to have acceptable standards [~~The~~
26 ~~University of Texas~~];

27 (3) [~~(4)~~] is a graduate of a reputable school of

1 podiatry or chiropody; and

2 (4) [~~45~~] has successfully completed any other course
3 of training reasonably required by commission [~~board~~] rule relating
4 to the safe care and treatment of patients.

5 (e) All educational attainments or credits for evaluation
6 under this chapter must be completed within the United States. The
7 department [~~board~~] may not accept educational credits attained in a
8 foreign country that are not approved by the department [~~acceptable~~
9 ~~to The University of Texas for credit toward a bachelor's degree~~].

10 (f) For purposes of this section, a podiatry or chiropody
11 school is reputable if:

12 (1) the course of instruction consists of four terms
13 of approximately eight months each, or the substantial equivalent;
14 and

15 (2) the school is approved by the department [~~board~~].

16 SECTION 24. Subchapter F, Chapter 202, Occupations Code, is
17 amended by adding Section 202.2525 to read as follows:

18 Sec. 202.2525. CRIMINAL HISTORY RECORD INFORMATION FOR
19 LICENSE ISSUANCE. (a) The department shall require that an
20 applicant for a license submit a complete and legible set of
21 fingerprints, on a form prescribed by the executive director, to
22 the department or to the Department of Public Safety for the purpose
23 of obtaining criminal history record information from the
24 Department of Public Safety and the Federal Bureau of
25 Investigation.

26 (b) The department may not issue a license to a person who
27 does not comply with the requirement of Subsection (a).

1 (c) The department shall conduct a criminal history record
2 information check of each applicant for a license using
3 information:

4 (1) provided by the individual under this section; and
5 (2) made available to the department by the Department
6 of Public Safety, the Federal Bureau of Investigation, and any
7 other criminal justice agency under Chapter 411, Government Code.

8 (d) The department may:

9 (1) enter into an agreement with the Department of
10 Public Safety to administer a criminal history record information
11 check required under this section; and

12 (2) authorize the Department of Public Safety to
13 collect from each applicant the costs incurred by the Department of
14 Public Safety in conducting the criminal history record information
15 check.

16 SECTION 25. Section 202.253, Occupations Code, is amended
17 to read as follows:

18 Sec. 202.253. GROUNDS FOR DENIAL OF LICENSE. (a) The
19 commission may refuse to issue a license or certificate to a person
20 who violates this chapter, a rule adopted under this chapter, or an
21 order of the commission or executive director.

22 (a-1) The commission or department ~~[board]~~ may refuse to
23 admit a person to an examination, and may refuse to issue a license
24 to practice podiatry to a person, for:

25 (1) presenting ~~[to the board]~~ a license, certificate,
26 or diploma that was illegally or fraudulently obtained or engaging
27 in fraud or deception in passing the examination;

- 1 (2) being convicted of:
- 2 (A) a felony;
- 3 (B) a crime that involves moral turpitude; or
- 4 (C) an offense under Section 202.606;
- 5 (3) engaging in habits of intemperance or drug
- 6 addiction that in the department's [~~board's~~] opinion would endanger
- 7 the health, well-being, or welfare of patients;
- 8 (4) engaging in grossly unprofessional or
- 9 dishonorable conduct of a character that in the department's
- 10 [~~board's~~] opinion is likely to deceive or defraud the public;
- 11 (5) directly or indirectly violating or attempting to
- 12 violate this chapter or a rule adopted under this chapter as a
- 13 principal, accessory, or accomplice;
- 14 (6) using any advertising statement of a character
- 15 tending to mislead or deceive the public;
- 16 (7) advertising professional superiority or the
- 17 performance of professional service in a superior manner;
- 18 (8) purchasing, selling, bartering, or using or
- 19 offering to purchase, sell, barter, or use a podiatry degree,
- 20 license, certificate, diploma, or a transcript of a license,
- 21 certificate, or diploma, in or incident to an application [~~to the~~
- 22 ~~board~~] for a license to practice podiatry;
- 23 (9) altering, with fraudulent intent, a podiatry
- 24 license, certificate, diploma, or a transcript of a podiatry
- 25 license, certificate, or diploma;
- 26 (10) using a podiatry license, certificate, or
- 27 diploma, or a transcript of a podiatry license, certificate, or

1 diploma, that has been fraudulently purchased, issued,
2 counterfeited, or materially altered;

3 (11) impersonating, or acting as proxy for, another
4 person in a podiatry license examination;

5 (12) impersonating a license holder, or permitting
6 another person to use the license holder's license to practice
7 podiatry in this state, to treat or offer to treat, by any method,
8 conditions and ailments of human feet;

9 (13) directly or indirectly employing a person whose
10 license to practice podiatry has been suspended or associating in
11 the practice of podiatry with a person whose license to practice
12 podiatry has been suspended or who has been convicted of the
13 unlawful practice of podiatry in this state or elsewhere;

14 (14) wilfully making in the application for a license
15 to practice podiatry a material misrepresentation or material
16 untrue statement;

17 (15) being unable to practice podiatry with reasonable
18 skill and safety to a patient because of age, illness, drunkenness,
19 or excessive use of drugs, narcotics, chemicals, or other
20 substances or as a result of a mental or physical condition;

21 (16) failing to practice podiatry in an acceptable
22 manner consistent with public health and welfare;

23 (17) being removed, suspended, or disciplined in
24 another manner by the podiatrist's peers in a professional podiatry
25 association or society, whether local, regional, state, or national
26 in scope, or being disciplined by a licensed hospital or the medical
27 staff of a hospital, including removal, suspension, limitation of

1 hospital privileges, or other disciplinary action, if the
2 commission or department [~~board~~] determines that the action was:

3 (A) based on unprofessional conduct or
4 professional incompetence likely to harm the public; and

5 (B) appropriate and reasonably supported by
6 evidence submitted to the association, society, hospital, or
7 medical staff; or

8 (18) having repeated or recurring meritorious health
9 care liability claims filed against the podiatrist that in the
10 commission's or department's [~~board's~~] opinion are evidence of
11 professional incompetence likely to injure the public.

12 (b) In enforcing Subsection (a-1)(15) [~~(a)(15)~~], the
13 department [~~board~~], on probable cause, shall request the affected
14 podiatrist to submit to a mental or physical examination by a
15 physician designated by the department [~~board~~]. If the podiatrist
16 refuses to submit to the examination, the commission or executive
17 director [~~board~~] shall issue an order requiring the podiatrist to
18 show cause why the podiatrist will not submit to the examination and
19 shall schedule a hearing on the order not later than the 30th day
20 after the date notice is served on the podiatrist. The podiatrist
21 shall be notified by either personal service or certified mail with
22 return receipt requested.

23 (c) At the hearing, the podiatrist and the podiatrist's
24 attorney may present testimony and other evidence to show why the
25 podiatrist should not be required to submit to the examination.
26 After a complete hearing, the commission or executive director
27 [~~board~~] shall issue an order either requiring the podiatrist to

1 submit to the examination or withdrawing the request for
2 examination.

3 SECTION 26. Sections 202.254(a), (b), and (c), Occupations
4 Code, are amended to read as follows:

5 (a) Except as provided by Section 202.261, each applicant
6 for a license to practice podiatry in this state must pass an
7 examination approved by the department ~~[board]~~. ~~[Each applicant~~
8 ~~shall pay to the board an examination fee at least 15 days before~~
9 ~~the date of the scheduled examination.]~~

10 (b) The department shall recognize, prepare, administer, or
11 arrange for the administration of an examination under this chapter
12 ~~[board may adopt and enforce rules of procedure for administering~~
13 ~~this section. A public board member may not participate in any part~~
14 ~~of the examination process for applicants for a license issued by~~
15 ~~the board that requires knowledge of the practice of podiatry].~~

16 (c) The license examination must consist of a written and
17 practical component. The department ~~[board]~~ shall determine the
18 passing score for the examination using accepted
19 criterion-referenced methods. The department ~~[board]~~ shall have
20 the examination validated by an independent testing professional.

21 SECTION 27. Section 202.257, Occupations Code, is amended
22 to read as follows:

23 Sec. 202.257. ISSUANCE OF LICENSE. The department ~~[board]~~
24 shall issue a license to each applicant who possesses the
25 qualifications required for a license and passes the examination.

26 SECTION 28. Section 202.259(a), Occupations Code, is
27 amended to read as follows:

1 (a) The commission [~~board~~] by rule may adopt a procedure for
2 the issuance of a temporary license to an applicant other than an
3 applicant for a provisional license under Section 202.260.

4 SECTION 29. Sections 202.260(a), (b), (c), and (d),
5 Occupations Code, are amended to read as follows:

6 (a) On application, the department [~~board~~] shall grant a
7 provisional license to practice podiatry to an applicant who:

8 (1) is licensed in good standing as a podiatrist in
9 another state that has licensing requirements that are
10 substantially equivalent to the requirements of this chapter;

11 (2) has passed a national or other examination
12 recognized by the department [~~board~~] relating to the practice of
13 podiatry; and

14 (3) is sponsored by a person licensed under this
15 chapter with whom the provisional license holder may practice under
16 this section.

17 (b) The department [~~board~~] may excuse an applicant for a
18 provisional license from the requirement of Subsection (a)(3) if
19 the department [~~board~~] determines that compliance with that
20 subdivision [~~subsection~~] constitutes a hardship to the applicant.

21 (c) A provisional license is valid until the date the
22 department [~~board~~] approves or denies the provisional license
23 holder's application for a license. Except as provided by
24 Subsection (e), the department [~~board~~] shall issue a license under
25 this chapter to the holder of a provisional license under this
26 section if:

27 (1) the provisional license holder passes the

1 examination required by Section 202.254;

2 (2) the department [~~board~~] verifies that the
3 provisional license holder has the academic and experience
4 requirements for a license under this chapter; and

5 (3) the provisional license holder satisfies any other
6 license requirements under this chapter.

7 (d) The department [~~board~~] shall complete the processing of
8 a provisional license holder's application for a license not later
9 than the 180th day after the date the provisional license is issued.
10 The department [~~board~~] may extend that deadline to allow for the
11 receipt of pending examination results.

12 SECTION 30. Sections 202.261(a) and (b), Occupations Code,
13 are amended to read as follows:

14 (a) The department [~~board~~] may issue a license to practice
15 podiatry without administering the examination under Section
16 202.254 to a podiatrist who:

17 (1) at the time of applying for a license has accepted
18 an appointment or is serving as a full-time member of the faculty of
19 an educational institution in this state offering an approved or
20 accredited course of study or training leading to a degree in
21 podiatry;

22 (2) is licensed to practice podiatry in another state
23 that has licensing requirements substantially equivalent to those
24 established by this state; and

25 (3) otherwise satisfies the requirements of Section
26 202.252.

27 (b) For purposes of Subsection (a)(1), a course of study,

1 training, or education is considered to be approved or accredited
2 if it is approved or accredited by the department [~~board~~] as
3 constituting a reputable course of study, training, or education.
4 In deciding whether to approve or accredit a course of study,
5 training, or education, the department [~~board~~] shall consider
6 whether the course is approved or accredited by the Council on
7 Podiatric Medical Education of the American Podiatric Medical
8 Association or its successor organization.

9 SECTION 31. Section 202.262, Occupations Code, is amended
10 to read as follows:

11 Sec. 202.262. DISPLAY OF LICENSE. (a) A person licensed
12 under this chapter must conspicuously display both the license and
13 an unexpired [~~an annual~~] renewal certificate [~~for the current year~~
14 ~~of practice~~] at the location where the person practices.

15 (b) The person shall exhibit the license and renewal
16 certificate to a department [~~board~~] representative on the
17 representative's official request for examination or inspection.

18 SECTION 32. Section 202.263, Occupations Code, is amended
19 to read as follows:

20 Sec. 202.263. ISSUANCE OF DUPLICATE OR AMENDED LICENSE.

21 (a) If a license issued by the department [~~board~~] is lost,
22 destroyed, or stolen from the person to whom it was issued, the
23 license holder shall report the fact to the department and [~~board in~~
24 ~~an affidavit. The affidavit must~~] include detailed information as
25 to the loss, destruction, or theft, giving dates, place, and
26 circumstances.

27 (b) A license holder may apply to the department [~~board~~] for

1 an amended license because of a lawful change in the person's name
2 or degree designation or for any other lawful and sufficient
3 reason. The license holder must state the reasons that the issuance
4 of an amended license is requested.

5 (c) The department [~~board~~] shall issue a duplicate or
6 amended license on application by a license holder and payment of a
7 fee set by the commission [~~board~~] for the duplicate or amended
8 license. The department [~~board~~] may not issue a duplicate or
9 amended license unless:

10 (1) the license holder submits sufficient evidence to
11 prove the license has been lost, destroyed, or stolen or
12 establishes the lawful reason that an amended license should be
13 issued; and

14 (2) the department's [~~board's~~] records show a license
15 had been issued and was in effect at the time of the loss,
16 destruction, or theft or on the date of the request for an amended
17 license.

18 (d) If an amended license is issued, the license holder
19 shall return the original license to the department [~~board~~].

20 SECTION 33. Subchapter G, Chapter 202, Occupations Code, is
21 amended by adding Section 202.3015 to read as follows:

22 Sec. 202.3015. TERM AND RENEWAL. (a) A license issued
23 under this chapter is valid for one or two years as determined by
24 commission rule.

25 (b) The commission by rule shall establish the requirements
26 for renewing a license and issuing a renewal certificate under this
27 chapter, including payment of applicable fees.

1 SECTION 34. Subchapter G, Chapter 202, Occupations Code, is
2 amended by adding Section 202.3025 to read as follows:

3 Sec. 202.3025. CRIMINAL HISTORY RECORD INFORMATION
4 REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant renewing a
5 license issued under this chapter shall submit a complete and
6 legible set of fingerprints for purposes of performing a criminal
7 history record information check of the applicant as provided by
8 Section 202.2525.

9 (b) The department may administratively suspend or refuse
10 to renew the license of a person who does not comply with the
11 requirement of Subsection (a).

12 (c) A license holder is not required to submit fingerprints
13 under this section for the renewal of the license if the license
14 holder has previously submitted fingerprints under:

15 (1) Section 202.2525 for the initial issuance of the
16 license; or

17 (2) this section as part of a prior license renewal.

18 SECTION 35. Section 202.303, Occupations Code, is amended
19 to read as follows:

20 Sec. 202.303. PRACTICE WITHOUT RENEWING LICENSE. A person
21 who practices podiatry with ~~[without]~~ an expired ~~[annual]~~ renewal
22 certificate ~~[for the current year]~~ is considered to be practicing
23 without a license and is subject to all the penalties of the
24 practice of podiatry without a license.

25 SECTION 36. Sections 202.304(a) and (b), Occupations Code,
26 are amended to read as follows:

27 (a) Except as provided by Subsection (c), this section

1 applies to a podiatrist whose license has been suspended or
2 revoked, or whose most recently issued ~~[annual]~~ renewal certificate
3 has expired, while the podiatrist has been:

4 (1) engaged in federal service or on active duty with:

5 (A) the United States Army;

6 (B) the United States Navy;

7 (C) the United States Marine Corps;

8 (D) the United States Coast Guard; or

9 (E) the United States Air Force;

10 (2) called into service or training of the United
11 States; or

12 (3) in training or education under the supervision of
13 the United States before induction into military service.

14 (b) A podiatrist subject to this section may renew the
15 podiatrist's license without paying a renewal fee for the expired
16 license or passing an examination if, not later than the first
17 anniversary of the date of the termination of service, training, or
18 education described by Subsection (a), other than by dishonorable
19 discharge, the podiatrist furnishes to the department ~~[board]~~ an
20 affidavit stating that the podiatrist has been so engaged and that
21 the service, training, or education has terminated.

22 SECTION 37. Section 202.305, Occupations Code, is amended
23 to read as follows:

24 Sec. 202.305. CONTINUING EDUCATION. (a) The commission by
25 rule shall establish the minimum number of hours of continuing
26 education required for license renewal.

27 (a-1) The department ~~[board]~~ shall develop a mandatory

1 continuing education program in accordance with commission rules.

2 In developing its program, the department [~~board~~] shall:

3 (1) [~~establish by rule the minimum hours of continuing~~
4 ~~education required for license renewal,~~

5 [~~(2)~~] identify the key factors that lead to the
6 competent performance of professional duties;

7 (2) [~~(3)~~] develop a process to evaluate and approve
8 continuing education courses; and

9 (3) [~~(4)~~] develop a process to assess the
10 participation and performance of license holders in continuing
11 education courses to enable the department [~~board~~] to evaluate the
12 overall effectiveness of the program.

13 (b) The department [~~board~~] may assess the continuing
14 education needs of a license holder and require the license holder
15 to attend continuing education courses specified by the department
16 [~~board~~].

17 SECTION 38. The heading to Section 202.352, Occupations
18 Code, is amended to read as follows:

19 Sec. 202.352. [~~BOARD~~] APPROVAL OF NAMES UNDER WHICH
20 PODIATRIST MAY PRACTICE.

21 SECTION 39. Sections 202.352(a) and (b), Occupations Code,
22 are amended to read as follows:

23 (a) The commission [~~board~~] may adopt rules establishing
24 standards or guidelines for the name, including a trade name or
25 assumed name, under which a podiatrist may conduct a practice in
26 this state. In its rules, the commission [~~board~~] may also establish
27 procedures to review and make determinations approving or

1 disapproving a specific name submitted to the department [~~board~~] by
2 one or more podiatrists desiring to practice under a particular
3 name.

4 (b) The authority granted to the commission and department
5 [~~board~~] by this section includes any form of business organization
6 under which a podiatrist conducts a practice, including:

- 7 (1) a sole proprietorship;
- 8 (2) an association;
- 9 (3) a partnership;
- 10 (4) a professional corporation;
- 11 (5) a clinic;
- 12 (6) a health maintenance organization; and
- 13 (7) a group practice with a practitioner of another
14 branch of the healing art.

15 SECTION 40. Sections 202.353(a), (c), (d), (e), (f), (g),
16 (h), and (i), Occupations Code, are amended to read as follows:

17 (a) An insurer who delivers or issues for delivery in this
18 state professional liability insurance coverage to a podiatrist who
19 practices in this state shall furnish to the department [~~board~~] the
20 information specified in Subsection (b) relating to:

- 21 (1) a notice of claim letter or a complaint filed
22 against the insured in a court, if the notice of claim letter or the
23 complaint seeks the recovery of damages based on the insured's
24 conduct in providing or failing to provide medical or health care
25 services; or
- 26 (2) a settlement of a claim or other legal action made
27 by the insurer on behalf of the insured.

1 (c) If a podiatrist who practices in this state is not
2 covered by professional liability insurance or is insured by an
3 insurer who is not authorized to write professional liability
4 insurance for podiatrists in this state, the affected podiatrist
5 shall submit information to the department [~~board~~] relating to any
6 malpractice action brought against that podiatrist. The podiatrist
7 shall submit the information as required by rules adopted by the
8 commission [~~board~~] under Subsections (d)-(f).

9 (d) In consultation with the commissioner of insurance, the
10 commission [~~board~~] shall adopt rules for reporting the information
11 required under Subsections (a) and (b) and any additional
12 information required by the department [~~board~~].

13 (e) The department [~~board~~] shall consider other claim
14 reports required under state or federal law in determining:

- 15 (1) any additional information to be reported;
16 (2) the form of the report; and
17 (3) reasonable reporting intervals.

18 (f) The department [~~board~~] may require additional
19 information, including:

- 20 (1) the date of a judgment, dismissal, or settlement
21 of a malpractice action;
22 (2) whether an appeal has been taken and the identity
23 of the party appealing; and
24 (3) the amount of any judgment or settlement.

25 (g) An insurer, an agent or employee of the insurer, a
26 commission [~~board~~] member, or an employee or representative of the
27 department [~~board~~] is not liable or subject to a cause of action for

1 an action taken as required under this section.

2 (h) A report or information submitted to the department
3 [~~board~~] under this section or the fact that a report or information
4 has been submitted may not be offered in evidence or in any manner
5 used in the trial of an action brought against a podiatrist based on
6 the podiatrist's conduct in providing or failing to provide medical
7 or health care services.

8 (i) The department [~~board~~] shall review the information
9 relating to a podiatrist against whom three or more malpractice
10 claims have been reported during any five-year period in the same
11 manner as if a complaint against that podiatrist had been made to
12 the department [~~board~~] under Subchapter E.

13 SECTION 41. Subchapter H, Chapter 202, Occupations Code, is
14 amended by adding Section 202.354 to read as follows:

15 Sec. 202.354. DUTIES RELATED TO CERTAIN PRESCRIPTIONS. (a)
16 A podiatrist may not prescribe a drug listed in Subsection (b) to a
17 patient unless the podiatrist has reviewed the patient's
18 prescription history by accessing the prescription information
19 submitted to the Texas State Board of Pharmacy as authorized by
20 Section 481.076(a)(5), Health and Safety Code.

21 (b) Subsection (a) applies only to the prescribing of:

22 (1) opioids;

23 (2) benzodiazepines;

24 (3) barbiturates; or

25 (4) carisoprodol.

26 (c) Failure by a podiatrist to comply with the requirements
27 of this section is grounds for disciplinary action under

1 Subchapters F and G, Chapter 51.

2 SECTION 42. Sections 202.404(d) and (e), Occupations Code,
3 are amended to read as follows:

4 (d) The privilege and confidentiality requirements under
5 this subchapter do not apply in a criminal investigation of or
6 criminal proceeding against a podiatrist in which the department
7 [~~board~~] is participating or assisting by providing certain records
8 obtained from the podiatrist. This subsection does not authorize
9 the release of any confidential information to instigate or
10 substantiate criminal charges against a patient.

11 (e) The department [~~board~~] shall protect the identity of a
12 patient whose podiatric records are examined or provided under
13 Subsection (c) or (d), other than a patient who:

14 (1) is covered under Subsection (a)(1); or

15 (2) has submitted written consent to the release of
16 the patient's podiatric records as provided by Section 202.406.

17 SECTION 43. Section 202.452(a), Occupations Code, is
18 amended to read as follows:

19 (a) Written or oral communications made to a podiatric peer
20 review committee and the records and proceedings of a peer review
21 committee may be disclosed to:

22 (1) another podiatric peer review committee;

23 (2) an appropriate state or federal agency;

24 (3) a national accreditation body; or

25 (4) the department [~~board~~] or the state board of
26 registration or licensing of podiatrists in another state.

27 SECTION 44. Section 202.453, Occupations Code, is amended

1 to read as follows:

2 Sec. 202.453. INFORMATION PROVIDED TO AFFECTED PODIATRIST.

3 A podiatric peer review committee that takes action that could
4 result in censure or suspension, restriction, limitation, or
5 revocation of a license by the commission or executive director
6 [~~board~~] or a denial of a podiatrist's membership or privileges in a
7 health care entity shall provide the affected podiatrist a written
8 copy of the committee's recommendation and a copy of the final
9 decision, including a statement of the basis for the decision.

10 SECTION 45. Section 202.455(f), Occupations Code, is
11 amended to read as follows:

12 (f) The disclosure of documents or information under a
13 subpoena issued by the department [~~board~~] does not constitute a
14 waiver of the confidentiality privilege associated with a podiatric
15 peer review committee proceeding.

16 SECTION 46. Section 202.456(b), Occupations Code, is
17 amended to read as follows:

18 (b) A person, including a health care entity or podiatric
19 peer review committee, that participates in podiatric peer review
20 activity or furnishes records, information, or assistance to a
21 podiatric peer review committee or to the department [~~board~~] is
22 immune from civil liability arising from those acts if the person
23 acted in good faith and without malice.

24 SECTION 47. The heading to Section 202.501, Occupations
25 Code, is amended to read as follows:

26 Sec. 202.501. [~~BOARD~~] DISCIPLINARY POWERS; ADMINISTRATIVE
27 PROCEDURE.

1 SECTION 48. Sections 202.501(a) and (d), Occupations Code,
2 are amended to read as follows:

3 (a) The commission or executive director [~~board~~] shall
4 revoke or suspend a license, place on probation a person whose
5 license has been suspended, or reprimand a license holder for
6 violating the law regulating the practice of podiatry or a rule
7 adopted by the commission under this chapter [~~board~~].

8 (d) A person whose license to practice podiatry has been
9 revoked or suspended by order of the commission or executive
10 director [~~board~~] may appeal the action to a district court in Travis
11 County. The [~~board's~~] decision of the commission or the executive
12 director may not be enjoined or stayed except on application to the
13 district court after notice to the department [~~board~~].

14 SECTION 49. Section 202.502, Occupations Code, is amended
15 to read as follows:

16 Sec. 202.502. REVOCATION AND SUSPENSION OF LICENSE FOR
17 DRUG-RELATED FELONY CONVICTION. (a) The commission or executive
18 director [~~board~~] shall suspend a person's license after an
19 administrative hearing conducted in accordance with Chapter 2001,
20 Government Code, in which the commission or executive director
21 [~~board~~] determines that the license holder has been convicted of a
22 felony under Chapter 481 or 483, Health and Safety Code, or Section
23 485.033, Health and Safety Code.

24 (b) On the person's final conviction, the commission or
25 executive director [~~board~~] shall revoke the person's license.

26 (c) The department [~~board~~] may not reinstate or reissue a
27 license to a person whose license is suspended or revoked under this

1 section except on an express determination based on substantial
2 evidence contained in an investigative report indicating that the
3 reinstatement or reissuance of the license is in the best interests
4 of the public and of the person whose license has been suspended or
5 revoked.

6 SECTION 50. The heading to Section 202.503, Occupations
7 Code, is amended to read as follows:

8 Sec. 202.503. PROBATION[~~, HEARING~~].

9 SECTION 51. Section 202.503(a), Occupations Code, is
10 amended to read as follows:

11 (a) The commission or executive director [~~board, on~~
12 ~~majority vote,~~] may probate an order revoking [~~or suspending~~] a
13 podiatrist's license conditioned on the podiatrist conforming to
14 any order or rule the commission [~~board~~] adopts as the condition of
15 probation. The commission or executive director [~~board~~], at the
16 time of probation, shall set the term of the probationary period.

17 SECTION 52. Section 202.504, Occupations Code, is amended
18 to read as follows:

19 Sec. 202.504. REISSUANCE OF LICENSE. (a) On application,
20 the department [~~board~~] may reissue a license to practice podiatry
21 to a person whose license has been revoked or suspended.

22 (b) A person whose license has been revoked may not apply
23 for a reissued license before the first anniversary of the date of
24 the revocation. The person shall apply for the license in the
25 manner and form required by the department [~~board~~].

26 SECTION 53. Section 202.505, Occupations Code, is amended
27 to read as follows:

1 Sec. 202.505. REEXAMINATION IF LICENSE SUSPENDED OR
2 REVOKED. The department [~~board~~] may refuse to reinstate a license
3 or to issue a new license until a podiatrist has passed the regular
4 license examination if the commission or executive director [~~board~~]
5 suspended or revoked the license for:

6 (1) failure to satisfy continuing education
7 requirements under Section 202.305; or

8 (2) nonpayment of the [~~annual~~] license renewal fee.

9 SECTION 54. Subchapter K, Chapter 202, Occupations Code, is
10 amended by adding Section 202.5071 to read as follows:

11 Sec. 202.5071. SUBPOENA AUTHORITY. The department may
12 issue a subpoena as provided by Section 51.3512.

13 SECTION 55. Section 202.5085, Occupations Code, is amended
14 to read as follows:

15 Sec. 202.5085. REFUND. (a) Subject to Subsection (b), the
16 commission or executive director [~~board~~] may order a person
17 licensed under this chapter to pay a refund to a consumer as
18 provided in an agreed settlement, default order, or commission
19 order [~~agreement resulting from an informal settlement conference~~]
20 instead of or in addition to imposing an administrative penalty
21 against the person [~~under this chapter~~].

22 (b) The amount of a refund ordered [~~as provided in an~~
23 ~~agreement resulting from an informal settlement conference~~] may not
24 exceed the amount the consumer paid to the person for a service
25 regulated by this chapter. The commission or executive director
26 [~~board~~] may not require payment of other damages or estimate harm in
27 a refund order.

1 SECTION 56. Section 202.509, Occupations Code, is amended
2 to read as follows:

3 Sec. 202.509. CONFIDENTIALITY AND DISCLOSURE OF
4 INVESTIGATIVE INFORMATION. (a) Except as provided by Subsections
5 (b), (d), and (f) of this section, Section 202.2031, and Section
6 202.2032, a [A] complaint, report, investigation file, or other
7 investigative information in the possession of or received or
8 gathered by the department [~~board~~] or an employee or agent of the
9 department [~~board~~] that relates to a license holder, a license
10 application, or a criminal investigation or proceeding is
11 privileged, confidential, and not subject to discovery, subpoena,
12 or any other legal method of compelling release.

13 (b) Subject to any other privilege or restriction
14 established by law, not later than the 30th day after the date the
15 department [~~board~~] receives a written request from a license
16 holder, or the license holder's attorney, who is the subject of a
17 formal complaint, the department [~~board~~] shall provide the license
18 holder with access to all information in the department's [~~board's~~]
19 possession that the department [~~board~~] intends to offer into
20 evidence at the contested case hearing on the complaint. The
21 department [~~board~~] may provide access to the information to the
22 license holder after the 30th day after the date the department
23 [~~board~~] receives a request only on a showing of good cause.

24 (c) The department [~~board~~] is not required under Subsection
25 (b) to provide access to the department's [~~board's~~] investigative
26 reports or memoranda, release the identity of a complainant who
27 will not testify at the hearing, or release information that is an

1 attorney's work product or protected by the attorney-client
2 privilege or another privilege recognized by the Texas Rules of
3 Civil Procedure or Texas Rules of Evidence. ~~[The furnishing of~~
4 ~~information under Subsection (b) does not constitute a waiver of~~
5 ~~any privilege or confidentiality provision under law.]~~

6 (d) Investigative information in the department's ~~[board's]~~
7 possession that relates to a disciplinary action regarding a
8 license holder may be disclosed to:

9 (1) a licensing agency regulating the practice of
10 podiatry in another state or country in which the license holder is
11 also licensed or has applied for a license; ~~[or]~~

12 (2) a peer review committee reviewing a license
13 holder's application for privileges or the license holder's
14 qualifications with regard to retaining the privileges;

15 (3) a person involved with the department in a
16 disciplinary action against the license holder;

17 (4) a peer assistance program approved by the
18 commission under Chapter 467, Health and Safety Code;

19 (5) a law enforcement agency; and

20 (6) a person engaged in bona fide research, provided
21 all individual-identifying information has been deleted.

22 (e) The department ~~[board]~~ shall report to the appropriate
23 law enforcement agency information obtained by the department
24 ~~[board]~~ in the course of an investigation that indicates that a
25 crime may have been committed. The department ~~[board]~~ shall
26 cooperate and assist a law enforcement agency conducting a criminal
27 investigation of a license holder by providing relevant information

1 to the agency. Information provided to a law enforcement agency by
2 the department [~~board~~] is confidential and may not be disclosed
3 except as necessary to conduct the investigation.

4 (f) The department [~~board~~] shall provide information to a
5 health care entity on the written request of the entity concerning:

6 (1) a complaint filed against a license holder that
7 was resolved after an investigation by the department [~~board~~] or
8 resolved by an agreed settlement; and

9 (2) the basis for and status of an active
10 investigation concerning a license holder.

11 (g) The department's disclosure of information under
12 Subsection (b), (d), or (f) of this section, Section 202.2031, or
13 Section 202.2032 does not constitute a waiver of privilege or
14 confidentiality under this chapter or any other law.

15 (h) The department shall protect the identity of a
16 complainant to the extent possible.

17 SECTION 57. The heading to Subchapter M, Chapter 202,
18 Occupations Code, is amended to read as follows:

19 SUBCHAPTER M. [~~OTHER~~] PENALTIES AND ENFORCEMENT PROVISIONS

20 SECTION 58. Subchapter M, Chapter 202, Occupations Code, is
21 amended by adding Section 202.6011 to read as follows:

22 Sec. 202.6011. PENALTY SCHEDULE. The commission by rule
23 shall develop a standardized penalty schedule, including
24 recommended penalty amounts for each category of punishable conduct
25 listed in the schedule, based on the criteria listed in Section
26 51.302(b).

27 SECTION 59. Section 202.602, Occupations Code, is amended

1 to read as follows:

2 Sec. 202.602. MONITORING AND INSPECTION OF LICENSE HOLDER.

3 (a) The commission [~~board~~] by rule shall develop a system to
4 monitor a podiatrist's compliance with this chapter. The system
5 must include:

6 (1) procedures for determining whether a podiatrist is
7 in compliance with an order issued by the commission or executive
8 director [~~board~~]; and

9 (2) a method of identifying and monitoring each
10 podiatrist who represents a risk to the public.

11 (b) The department [~~board~~], during reasonable business
12 hours, may enter the business premises of a person regulated by the
13 department under this chapter [~~board~~] without notice to:

14 (1) investigate a complaint filed with the department
15 [~~board~~]; or

16 (2) determine compliance with an order of the
17 commission or executive director issued under this chapter [~~board~~].

18 SECTION 60. Subchapter M, Chapter 202, Occupations Code, is
19 amended by adding Section 202.6025 to read as follows:

20 Sec. 202.6025. MONITORING HARMFUL PRESCRIBING PATTERNS.

21 (a) The department shall periodically check the prescribing
22 information submitted to the Texas State Board of Pharmacy as
23 authorized by Section 481.076(a)(1), Health and Safety Code, to
24 determine whether a podiatrist licensed under this chapter is
25 engaging in potentially harmful prescribing patterns or practices.

26 (b) The department, in coordination with the advisory board
27 and the Texas State Board of Pharmacy, shall determine, subject to

1 approval by the commission, the conduct that constitutes a
2 potentially harmful prescribing pattern or practice for purposes of
3 Subsection (a). In determining the conduct that constitutes a
4 potentially harmful prescribing pattern or practice, the
5 department shall consider:

6 (1) the number of times a podiatrist prescribes a drug
7 listed in Section 202.354(b); and

8 (2) for prescriptions described by Subdivision (1),
9 patterns of prescribing combinations of those drugs and other
10 dangerous combinations of drugs identified by the department in
11 coordination with the advisory board.

12 (c) If the department suspects that a podiatrist licensed
13 under this chapter may be engaging in potentially harmful
14 prescribing patterns or practices, the department may notify the
15 podiatrist of the potentially harmful prescribing pattern or
16 practice.

17 (d) The department may initiate a complaint against a
18 podiatrist based on information obtained under this section.

19 SECTION 61. Section 202.603, Occupations Code, is amended
20 to read as follows:

21 Sec. 202.603. PROSECUTION OF VIOLATION. The department
22 ~~[board]~~ shall take action to ensure the prosecution of each person
23 who violates this chapter and may incur reasonably necessary
24 related expenses.

25 SECTION 62. Section 202.604, Occupations Code, is amended
26 to read as follows:

27 Sec. 202.604. CIVIL PENALTY: USE OF TRADE NAME;

1 INJUNCTION. (a) A person who violates Section 202.352 or a rule
2 adopted or a determination made by the commission [~~board~~] under
3 that section is subject to a civil penalty of not less than \$50 or
4 more than \$500 for each day of violation.

5 (b) If it appears that a person has violated or is violating
6 Section 202.352 or a rule adopted or determination made by the
7 commission [~~board~~] under that section, the department [~~board~~] may
8 institute a civil action in district court for:

9 (1) injunctive relief to restrain the person from
10 continuing the violation;

11 (2) the assessment and recovery of a civil penalty
12 under Subsection (a); or

13 (3) both injunctive relief and the civil penalty.

14 (c) At the request of the department [~~board~~], the attorney
15 general shall institute and conduct the action in the name of the
16 state.

17 SECTION 63. Section 481.352, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 481.352. MEMBERS. The work group is composed of:

20 (1) the executive director of the board or the
21 executive director's designee, who serves as chair of the work
22 group;

23 (2) the commissioner of state health services or the
24 commissioner's designee;

25 (3) the executive director of the Texas Medical Board
26 or the executive director's designee;

27 (4) the executive director of the Texas Board of

1 Nursing or the executive director's designee;
2 (5) the executive director of the Texas Physician
3 Assistant Board or the executive director's designee;
4 (6) the executive director of the State Board of
5 Dental Examiners or the executive director's designee;
6 (7) the executive director of the Texas Optometry
7 Board or the executive director's designee;
8 (8) the executive director of the Texas Department of
9 Licensing and Regulation [~~State Board of Podiatric Medical~~
10 ~~Examiners~~] or the executive director's designee;
11 (9) the executive director of the State Board of
12 Veterinary Medical Examiners or the executive director's designee;
13 and
14 (10) a medical examiner appointed by the board.
15 SECTION 64. The following provisions of the Occupations
16 Code are repealed:
17 (1) Section 202.002;
18 (2) Section 202.052;
19 (3) Sections 202.059(b) and (c);
20 (4) Section 202.060;
21 (5) Subchapter C, Chapter 202;
22 (6) Section 202.151;
23 (7) Section 202.152;
24 (8) Section 202.1525;
25 (9) Section 202.154;
26 (10) Section 202.1545;
27 (11) Section 202.155;

1 (12) Section 202.156;
2 (13) Section 202.157;
3 (14) Section 202.158;
4 (15) Section 202.162;
5 (16) Section 202.163;
6 (17) Section 202.201;
7 (18) Section 202.202;
8 (19) Section 202.203;
9 (20) Section 202.204;
10 (21) Section 202.205;
11 (22) Sections 202.252(c) and (d);
12 (23) Section 202.254(e);
13 (24) Section 202.255;
14 (25) Section 202.264;
15 (26) Section 202.301;
16 (27) Section 202.302;
17 (28) Section 202.501(b);
18 (29) Sections 202.503(b), (c), (d), and (e);
19 (30) Section 202.507;
20 (31) Section 202.508;
21 (32) Section 202.510;
22 (33) Subchapter L, Chapter 202;
23 (34) Section 202.601; and
24 (35) Section 202.6015.

25 SECTION 65. (a) In this section:

26 (1) "Commission" means the Texas Commission of
27 Licensing and Regulation.

1 (2) "Department" means the Texas Department of
2 Licensing and Regulation.

3 (3) "Former board" means the Texas State Board of
4 Podiatric Medical Examiners.

5 (b) On September 1, 2017:

6 (1) all functions and activities performed by the
7 former board immediately before that date are transferred to the
8 department;

9 (2) all rules, fees, policies, procedures, decisions,
10 and forms adopted by the former board are continued in effect as
11 rules, fees, policies, procedures, decisions, and forms of the
12 commission or the department, as applicable, and remain in effect
13 until amended or replaced by the commission or department;

14 (3) a complaint, investigation, contested case, or
15 other proceeding before the former board that is pending on
16 September 1, 2017, is transferred without change in status to the
17 department or the commission, as appropriate;

18 (4) all money, contracts, leases, property, and
19 obligations of the former board are transferred to the department;

20 (5) all property in the custody of the former board is
21 transferred to the department; and

22 (6) the unexpended and unobligated balance of any
23 money appropriated by the legislature for the former board is
24 transferred to the department.

25 (c) The former board shall provide the department with
26 access to any systems or information necessary for the department
27 to accept the program transferred under this Act, including:

- 1 (1) licensing, revenue, and expenditure systems;
- 2 (2) rights to service contracts and licensing
- 3 agreements;
- 4 (3) use of online renewal and new application systems;
- 5 and
- 6 (4) review and resolution of pending judgments and
- 7 outstanding expenditures.

8 (d) Unless the context indicates otherwise, a reference to
9 the former board in a law or administrative rule means the
10 commission or the department, as applicable.

11 (e) A license or certificate issued by the former board is
12 continued in effect as a license or certificate of the department.

13 (f) On September 1, 2017, all full-time equivalent employee
14 positions at the former board that primarily concern the
15 administration or enforcement of Chapter 202, Occupations Code,
16 become positions at the department. The department shall post the
17 positions for hiring and, when filling the positions, shall give
18 first consideration to, but is not required to hire, an applicant
19 who, as of August 31, 2017, was an employee at the former board
20 primarily involved in administering or enforcing Chapter 202,
21 Occupations Code.

22 SECTION 66. (a) On September 1, 2017, the terms of the
23 members serving on the Texas State Board of Podiatric Medical
24 Examiners expire, and the Texas State Board of Podiatric Medical
25 Examiners is abolished.

26 (b) Not later than December 1, 2017, the governor shall
27 appoint members to the Podiatric Medical Examiners Advisory Board

1 in accordance with Section 202.051, Occupations Code, as amended by
2 this Act. A member whose term expired under Subsection (a) of this
3 section is eligible for reappointment to the advisory board.

4 (c) The members whose terms expire under Subsection (a) of
5 this section shall continue to provide advice to the Texas
6 Department of Licensing and Regulation until a majority of the
7 members of the advisory board are appointed under Subsection (b) of
8 this section and qualified.

9 SECTION 67. Section 202.061, Occupations Code, as amended
10 by this Act, applies only to a member of the Podiatric Medical
11 Examiners Advisory Board appointed on or after the effective date
12 of this Act.

13 SECTION 68. (a) As soon as possible after the effective
14 date of this Act, the Texas Commission of Licensing and Regulation
15 shall adopt the rules necessary to implement Section 202.252,
16 Occupations Code, as amended by this Act.

17 (b) Not later than September 1, 2019, the Texas Department
18 of Licensing and Regulation shall obtain criminal history record
19 information on each person who, on the effective date of this Act,
20 holds a license issued under Chapter 202, Occupations Code, and did
21 not undergo a criminal history record information check based on
22 the license holder's fingerprints on initial application for the
23 license. The department may suspend the license of a license holder
24 who does not provide the criminal history record information as
25 required by the department and this subsection.

26 SECTION 69. Section 202.354, Occupations Code, as added by
27 this Act, applies only to a prescription issued on or after

1 September 1, 2018. A prescription issued before September 1, 2018,
2 is governed by the law in effect on the date the prescription is
3 issued, and the former law is continued in effect for that purpose.

4 SECTION 70. The changes in law made by this Act do not
5 affect the validity of a disciplinary action or other proceeding
6 that was initiated before the effective date of this Act and that is
7 pending before a court or other governmental entity on the
8 effective date of this Act.

9 SECTION 71. (a) A violation of a law that is repealed by
10 this Act is governed by the law in effect when the violation was
11 committed, and the former law is continued in effect for that
12 purpose.

13 (b) For purposes of this section, a violation was committed
14 before the effective date of this Act if any element of the
15 violation occurred before that date.

16 SECTION 72. This Act takes effect September 1, 2017.

ADOPTED

MAY 19 2017

Aditya Saw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *C. Schmidt*

1 Amend C.S.H.B. No. 3078 (senate committee report) as
2 follows:

3 (1) Strike SECTION 41 of the bill, adding Section 202.354,
4 Occupations Code (page 12, lines 9 through 24).

5 (2) Strike SECTION 60 of the bill, adding Section 202.6025,
6 Occupations Code (page 15, line 50, through page 16, line 8).

7 (3) Strike SECTION 69 of the bill, adding transition
8 language for Section 202.354, Occupations Code (page 18, lines 40
9 through 44).

10 (4) Renumber the SECTIONS of the bill accordingly.

ADOPTED

MAY 19 2017

Leta Spaw
Secretary of the Senate

Van Taylor

FLOOR AMENDMENT NO. 2

BY: _____

1 Amend C.S.H.B. No. 3078 (senate committee report) as
2 follows:

3 (1) In SECTION 13 of the bill, in amended Section
4 202.061(b), Occupations Code (page 4, between lines 11 and 12),
5 insert the following appropriately numbered subdivision:

6 () the types of rules, interpretations, and
7 enforcement actions that may implicate federal antitrust law by
8 limiting competition or impacting prices charged by persons engaged
9 in a profession or business regulated under this chapter, including
10 rules, interpretations, and enforcement actions that:

11 (A) regulate the scope of practice of persons in
12 a profession or business regulated under this chapter;

13 (B) restrict advertising by persons in a
14 profession or business regulated under this chapter;

15 (C) affect the price of goods or services
16 provided by persons in a profession or business regulated under
17 this chapter; and

18 (D) restrict participation in a profession or
19 business regulated under this chapter;

20 (2) Renumber the subdivisions of amended Section
21 202.061(b), Occupations Code, and cross-references to those
22 subdivisions appropriately.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 21, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3078** by Thompson, Senfronia (Relating to sunset review of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation and the transfer of the regulation of podiatry to the Texas Department of Licensing and Regulation; authorizing a reduction in fees.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3078, As Passed 2nd House: a positive impact of \$60,036 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$27,606
2019	\$32,430
2020	\$61,030
2021	\$61,030
2022	\$61,030

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings from General Revenue Fund 1	Probable (Cost) from General Revenue Fund 1	Probable Revenue Gain from General Revenue Fund 1	Probable Revenue (Loss) from General Revenue Fund 1
2018	\$353,958	(\$326,352)	\$600,000	(\$600,000)
2019	\$353,958	(\$321,528)	\$600,000	(\$600,000)
2020	\$353,958	(\$292,928)	\$600,000	(\$600,000)
2021	\$353,958	(\$292,928)	\$600,000	(\$600,000)
2022	\$353,958	(\$292,928)	\$600,000	(\$600,000)

Fiscal Year	Probable Revenue	Probable Revenue
	Gain from	(Loss) from
	<i>Appropriated Receipts</i>	<i>Appropriated Receipts</i>
	666	666
2018	\$9,018	(\$9,018)
2019	\$8,991	(\$8,991)
2020	\$0	\$0
2021	\$0	\$0
2022	\$0	\$0

Fiscal Analysis

The bill would amend the Occupations Code to transfer the regulation of podiatry from the Texas State Board of Podiatric Medical Examiners (TSBPE) to the Texas Department of Licensing and Regulation (TDLR). TSBPE would be abolished under the Sunset Act on September 1, 2017 and TDLR would be required to adopt rules to administer and enforce Subchapter D, Chapter 202, Occupations Code.

The bill would establish the Podiatric Medical Examiners Advisory Board to provide advice and recommendations to TDLR on technical matters relevant to the regulation of podiatrists. The advisory board would include six podiatrists and three public members appointed by the governor. The advisory board would be responsible for developing all rules relating to scope of practice and standards of care for podiatry, subject to final approval by the TDLR commission.

The bill would permit TDLR to extend the validity of a license issued by the agency from one year to two years through commission rule.

The bill would require TDLR to adopt a schedule of administrative penalties and other sanctions levied against licensees that committed offenses.

The bill would require that an applicant for licensure submit fingerprints to TDLR or the Department of Public Safety (DPS) for the purpose of a criminal history record check from the Department of Public Safety and Federal Bureau of Investigation. The bill would allow TDLR to enter into an agreement with DPS to administer the criminal history check and authorize DPS to collect from applicants an amount to cover the costs incurred by the agency in conducting the criminal history check. The bill would require all current licensees who have not undergone a criminal history check to do so by September 1, 2019.

The bill would repeal Occupations Code 202.153, which prohibited the regulating agency from setting fees below a specified amount.

The bill would change the Sunset date for the Texas Commission of Licensing and Regulation (TCL) and the Texas Department of Licensing and Regulation (TDLR), from September 1, 2019 to September 1, 2021.

The bill would take effect September 1, 2017.

Methodology

TSBPE's funding of approximately \$353,958 in General Revenue per fiscal year (\$278,940 per year, based on the 2018-19 House Bill 1, As Introduced, and associated employee benefits of \$75,018) would be eliminated, resulting in a savings to the state. The savings would be offset by a

cost to TDLR to transition and operate the program, estimated to be General Revenue of \$326,352 in fiscal year 2018, \$321,528 in fiscal year 2019, and \$292,928 per fiscal year thereafter. These amounts include one-time costs for computer equipment for the new FTEs at TDLR (\$7,400 in fiscal year 2018), and transferring and maintaining the podiatry board's database servers (\$26,000 in fiscal year 2018 and \$28,600 in fiscal year 2019), as TDLR converts the podiatry board's data into its own database system. Under provisions of the bill, the 4 FTEs at TSBPE would be reduced and TDLR's FTEs would increase by 4. According to TDLR, licensing fees would remain unchanged, but fee revenue is reflected as a General Revenue loss at TSBPE and a General Revenue gain of an equal amount at TDLR.

TSBPE is a member of the Health Professions Council (HPC), and pays a prorated amount (\$10,131 per fiscal year) of the budget that funds HPC. As TDLR is not a member of HPC, these amounts would be redistributed across the remaining 12 HPC member agencies. It is assumed those agencies could absorb the increase within existing resources, contributing to lower cost at TDLR to operate the program.

Based on information provided by the Comptroller of Public Accounts (CPA), it is estimated that if the agency chooses to adopt a biennial license renewal schedule, this would affect the timing of revenue collection, but would not affect the amount of revenue collected for the biennium for the state.

Based on the Sunset Commission's analysis of TSBPE and TDLR, it is assumed that the repeal of the requirement that the agency may not set fees below the amount of \$250 would not have a significant impact on revenues to the state.

TSBPE estimates 667 licensees would require a fingerprint based background check by September 1, 2019. It is assumed the implementation of this requirement would be done over the next 2 years and would require 334 licensees in fiscal year 2018 and 333 licensees in 2019 to receive fingerprint based background checks. The Department of Public Safety (DPS) charges applicants \$27 to perform a fingerprint based background check to cover the cost to DPS to obtain state and national criminal history record information. Based on the number of applicants and assumed implementation of the requirement, it is estimated that there will be a revenue increase to Appropriated Receipts at DPS of \$9,018 in fiscal year 2018 and \$8,991 in fiscal year 2019 offset by an equal cost of Appropriated Receipts at the agency in each fiscal year to perform the background check.

Based on analysis provided by the State Office of Administrative Hearings, the Texas Department of Insurance, the Office of the Attorney General, the Department of Information Resources, and the CPA, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Based on information provided by the Sunset Advisory Commission, this analysis assumes there would be no fiscal impact to the state for changing the previously established sunset dates for TDLR. This analysis also assumes there would be no fiscal impact from the removal of the sunset date for TDLR.

Technology

Included in amounts above are costs for computer equipment for the new staff at TDLR of approximately \$7,400 in fiscal year 2018. Transferring and maintaining the podiatry board's database servers would result in an annual cost approximately \$26,000 in fiscal year 2018 and \$28,600 in fiscal year 2019, as TDLR converts the podiatry board's data into its own database

system.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 116 Sunset Advisory Commission, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 313 Department of Information Resources, 360 State Office of Administrative Hearings, 364 Health Professions Council, 405 Department of Public Safety, 454 Department of Insurance, 512 Board of Podiatric Medical Examiners, 515 Board of Pharmacy

LBB Staff: UP, JQ, KCA, EH, JSm

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 18, 2017

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3078** by Thompson, Senfronia (Relating to sunset review of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation and the transfer of the regulation of podiatry to the Texas Department of Licensing and Regulation; authorizing a reduction in fees.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3078, Committee Report 2nd House, Substituted: a positive impact of \$60,036 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$27,606
2019	\$32,430
2020	\$61,030
2021	\$61,030
2022	\$61,030

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings from General Revenue Fund 1	Probable (Cost) from General Revenue Fund 1	Probable Revenue Gain from General Revenue Fund 1	Probable Revenue (Loss) from General Revenue Fund 1
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2020	\$353,958	(\$292,928)	\$600,000	(\$600,000)
2021	\$353,958	(\$292,928)	\$600,000	(\$600,000)
2022	\$353,958	(\$292,928)	\$600,000	(\$600,000)

Fiscal Year	Probable Revenue	Probable Revenue
	Gain from	(Loss) from
	<i>Appropriated Receipts</i>	<i>Appropriated Receipts</i>
	666	666
2018	\$9,018	(\$9,018)
2019	\$8,991	(\$8,991)
2020	\$0	\$0
2021	\$0	\$0
2022	\$0	\$0

Fiscal Analysis

The bill would amend the Occupations Code to transfer the regulation of podiatry from the Texas State Board of Podiatric Medical Examiners (TSBPE) to the Texas Department of Licensing and Regulation (TDLR). TSBPE would be abolished under the Sunset Act on September 1, 2017 and TDLR would be required to adopt rules to administer and enforce Subchapter D, Chapter 202, Occupations Code.

The bill would establish the Podiatric Medical Examiners Advisory Board to provide advice and recommendations to TDLR on technical matters relevant to the regulation of podiatrists. The advisory board would include six podiatrists and three public members appointed by the governor. The advisory board would be responsible for developing all rules relating to scope of practice and standards of care for podiatry, subject to final approval by the TDLR commission.

The bill would permit TDLR to extend the validity of a license issued by the agency from one year to two years through commission rule.

The bill would require TDLR to adopt a schedule of administrative penalties and other sanctions levied against licensees that committed offenses.

The bill would require that an applicant for licensure submit fingerprints to TDLR or the Department of Public Safety (DPS) for the purpose of a criminal history record check from the Department of Public Safety and Federal Bureau of Investigation. The bill would allow TDLR to enter into an agreement with DPS to administer the criminal history check and authorize DPS to collect from applicants an amount to cover the costs incurred by the agency in conducting the criminal history check. The bill would require all current licensees who have not undergone a criminal history check to do so by September 1, 2019.

The bill would require TDLR to periodically check prescribing information submitted by licensees to the Texas State Board of Pharmacy (TSBP) in the Prescription Monitoring Program to determine whether a licensee is engaging in potentially harmful prescribing patterns or practices. The bill requires TDLR, in coordination with TSBP, to determine conduct that constitutes such patterns or practices. The bill permits TDLR, if it suspects that a licensee is engaging in such patterns or practices, to notify the licensee and to initiate a complaint against the licensee.

The bill would repeal Occupations Code 202.153, which prohibited the regulating agency from setting fees below a specified amount.

The bill would change the Sunset date for the Texas Commission of Licensing and Regulation (TCL) and the Texas Department of Licensing and Regulation (TDLR), from September 1, 2019 to September 1, 2021.

The bill would take effect September 1, 2017.

Methodology

TSBPE's funding of approximately \$353,958 in General Revenue per fiscal year (\$278,940 per year, based on the 2018-19 House Bill 1, As Introduced, and associated employee benefits of \$75,018) would be eliminated, resulting in a savings to the state. The savings would be offset by a cost to TDLR to transition and operate the program, estimated to be General Revenue of \$326,352 in fiscal year 2018, \$321,528 in fiscal year 2019, and \$292,928 per fiscal year thereafter. These amounts include one-time costs for computer equipment for the new FTEs at TDLR (\$7,400 in fiscal year 2018), and transferring and maintaining the podiatry board's database servers (\$26,000 in fiscal year 2018 and \$28,600 in fiscal year 2019), as TDLR converts the podiatry board's data into its own database system. Under provisions of the bill, the 4 FTEs at TSBPE would be reduced and TDLR's FTEs would increase by 4. According to TDLR, licensing fees would remain unchanged, but fee revenue is reflected as a General Revenue loss at TSBPE and a General Revenue gain of an equal amount at TDLR.

TSBPE is a member of the Health Professions Council (HPC), and pays a prorated amount (\$10,131 per fiscal year) of the budget that funds HPC. As TDLR is not a member of HPC, these amounts would be redistributed across the remaining 12 HPC member agencies. It is assumed those agencies could absorb the increase within existing resources, contributing to lower cost at TDLR to operate the program.

Based on information provided by the Comptroller of Public Accounts (CPA), it is estimated that if the agency chooses to adopt a biennial license renewal schedule, this would affect the timing of revenue collection, but would not affect the amount of revenue collected for the biennium for the state.

Based on the Sunset Commission's analysis of TSBPE and TDLR, it is assumed that the repeal of the requirement that the agency may not set fees below the amount of \$250 would not have a significant impact on revenues to the state.

TSBPE estimates 667 licensees would require a fingerprint based background check by September 1, 2019. It is assumed the implementation of this requirement would be done over the next 2 years and would require 334 licensees in fiscal year 2018 and 333 licensees in 2019 to receive fingerprint based background checks. The Department of Public Safety (DPS) charges applicants \$27 to perform a fingerprint based background check to cover the cost to DPS to obtain state and national criminal history record information. Based on the number of applicants and assumed implementation of the requirement, it is estimated that there will be a revenue increase to Appropriated Receipts at DPS of \$9,018 in fiscal year 2018 and \$8,991 in fiscal year 2019 offset by an equal cost of Appropriated Receipts at the agency in each fiscal year to perform the background check.

Based on information provided by the TSBP, it is assumed the periodic check of prescribing information to determine whether a licensee is engaging in potentially harmful prescribing patterns or practices would require a query of information by the administrator of the program at TSBP. Based on the LBB's analysis of TSBP, duties and responsibilities associated with implementing the provisions of this bill at TSBP could be accomplished by utilizing existing resources.

Based on analysis provided by the State Office of Administrative Hearings, the Texas Department of Insurance, the Office of the Attorney General, the Department of Information Resources, and the CPA, duties and responsibilities associated with implementing the provisions of the bill could

be accomplished by utilizing existing resources.

Based on information provided by the Sunset Advisory Commission, this analysis assumes there would be no fiscal impact to the state for changing the previously established sunset dates for TDLR. This analysis also assumes there would be no fiscal impact from the removal of the sunset date for TDLR.

Technology

Included in amounts above are costs for computer equipment for the new staff at TDLR of approximately \$7,400 in fiscal year 2018. Transferring and maintaining the podiatry board's database servers would result in an annual cost approximately \$26,000 in fiscal year 2018 and \$28,600 in fiscal year 2019, as TDLR converts the podiatry board's data into its own database system.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 313 Department of Information Resources, 360 State Office of Administrative Hearings, 364 Health Professions Council, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 454 Department of Insurance, 512 Board of Podiatric Medical Examiners, 515 Board of Pharmacy

LBB Staff: UP, JQ, KCA, EH, JSm

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3078** by Thompson, Senfronia (Relating to transfer of the regulation of podiatry to the Texas Department of Licensing and Regulation; authorizing a reduction in fees.), As Engrossed

Estimated Two-year Net Impact to General Revenue Related Funds for HB3078, As Engrossed: a positive impact of \$60,036 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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2020	\$353,958	(\$292,928)	\$600,000	(\$600,000)
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2022	\$353,958	(\$292,928)	\$600,000	(\$600,000)

Fiscal Year	Probable Revenue	Probable Revenue
	Gain from	(Loss) from
	<i>Appropriated Receipts</i>	<i>Appropriated Receipts</i>
	666	666
2018	\$9,018	(\$9,018)
2019	\$8,991	(\$8,991)
2020	\$0	\$0
2021	\$0	\$0
2022	\$0	\$0

Fiscal Analysis

The bill would amend the Occupations Code to transfer the regulation of podiatry from the Texas State Board of Podiatric Medical Examiners (TSBPE) to the Texas Department of Licensing and Regulation (TDLR). TSBPE would be abolished under the Sunset Act on September 1, 2017 and TDLR would be required to adopt rules to administer and enforce Subchapter D, Chapter 202, Occupations Code.

The bill would establish the Podiatric Medical Examiners Advisory Board to provide advice and recommendations to TDLR on technical matters relevant to the regulation of podiatrists. The advisory board would include six podiatrists and three public members appointed by the governor. The advisory board would be responsible for developing all rules relating to scope of practice and standards of care for podiatry, subject to final approval by the TDLR commission.

The bill would permit TDLR to extend the validity of a license issued by the agency from one year to two years through commission rule.

The bill would require TDLR to adopt a schedule of administrative penalties and other sanctions levied against licensees that committed offenses.

The bill would require that an applicant for licensure submit fingerprints to TDLR or the Department of Public Safety (DPS) for the purpose of a criminal history record check from the Department of Public Safety and Federal Bureau of Investigation. The bill would allow TDLR to enter into an agreement with DPS to administer the criminal history check and authorize DPS to collect from applicants an amount to cover the costs incurred by the agency in conducting the criminal history check. The bill would require all current licensees who have not undergone a criminal history check to do so by September 1, 2019.

The bill would require TDLR to periodically check prescribing information submitted by licensees to the Texas State Board of Pharmacy (TSBP) in the Prescription Monitoring Program to determine whether a licensee is engaging in potentially harmful prescribing patterns or practices. The bill requires TDLR, in coordination with TSBP, to determine conduct that constitutes such patterns or practices. The bill permits TDLR, if it suspects that a licensee is engaging in such patterns or practices, to notify the licensee and to initiate a complaint against the licensee.

The bill would repeal Occupations Code 202.153, which prohibited the regulating agency from setting fees below a specified amount.

The bill would take effect September 1, 2017.

Methodology

TSBPE's funding of approximately \$353,958 in General Revenue per fiscal year (\$278,940 per year, based on the 2018-19 House Bill 1, As Introduced, and associated employee benefits of \$75,018) would be eliminated, resulting in a savings to the state. The savings would be offset by a cost to TDLR to transition and operate the program, estimated to be General Revenue of \$326,352 in fiscal year 2018, \$321,528 in fiscal year 2019, and \$292,928 per fiscal year thereafter. These amounts include one-time costs for computer equipment for the new FTEs at TDLR (\$7,400 in fiscal year 2018), and transferring and maintaining the podiatry board's database servers (\$26,000 in fiscal year 2018 and \$28,600 in fiscal year 2019), as TDLR converts the podiatry board's data into its own database system. Under provisions of the bill, the 4 FTEs at TSBPE would be reduced and TDLR's FTEs would increase by 4. According to TDLR, licensing fees would remain unchanged, but fee revenue is reflected as a General Revenue loss at TSBPE and a General Revenue gain of an equal amount at TDLR.

TSBPE is a member of the Health Professions Council (HPC), and pays a prorated amount (\$10,131 per fiscal year) of the budget that funds HPC. As TDLR is not a member of HPC, these amounts would be redistributed across the remaining 12 HPC member agencies. It is assumed those agencies could absorb the increase within existing resources, contributing to lower cost at TDLR to operate the program.

Based on information provided by the Comptroller of Public Accounts (CPA), it is estimated that if the agency chooses to adopt a biennial license renewal schedule, this would affect the timing of revenue collection, but would not affect the amount of revenue collected for the biennium for the state.

Based on the Sunset Commission's analysis of TSBPE and TDLR, it is assumed that the repeal of the requirement that the agency may not set fees below the amount of \$250 would not have a significant impact on revenues to the state.

TSBPE estimates 667 licensees would require a fingerprint based background check by September 1, 2019. It is assumed the implementation of this requirement would be done over the next 2 years and would require 334 licensees in fiscal year 2018 and 333 licensees in 2019 to receive fingerprint based background checks. The Department of Public Safety (DPS) charges applicants \$27 to perform a fingerprint based background check to cover the cost to DPS to obtain state and national criminal history record information. Based on the number of applicants and assumed implementation of the requirement, it is estimated that there will be a revenue increase to Appropriated Receipts at DPS of \$9,018 in fiscal year 2018 and \$8,991 in fiscal year 2019 offset by an equal cost of Appropriated Receipts at the agency in each fiscal year to perform the background check.

Based on information provided by the TSBP, it is assumed the periodic check of prescribing information to determine whether a licensee is engaging in potentially harmful prescribing patterns or practices would require a query of information by the administrator of the program at TSBP. Based on the LBB's analysis of TSBP, duties and responsibilities associated with implementing the provisions of this bill at TSBP could be accomplished by utilizing existing resources.

Based on analysis provided by the State Office of Administrative Hearings, the Texas Department of Insurance, the Office of the Attorney General, the Department of Information Resources, and the CPA, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Technology

Included in amounts above are costs for computer equipment for the new staff at TDLR of approximately \$7,400 in fiscal year 2018. Transferring and maintaining the podiatry board's database servers would result in an annual cost approximately \$26,000 in fiscal year 2018 and \$28,600 in fiscal year 2019, as TDLR converts the podiatry board's data into its own database system.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 313 Department of Information Resources, 360 State Office of Administrative Hearings, 364 Health Professions Council, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 454 Department of Insurance, 512 Board of Podiatric Medical Examiners, 515 Board of Pharmacy

LBB Staff: UP, JQ, KCA, EH, JSm

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 22, 2017

TO: Honorable Four Price, Chair, House Committee on Public Health

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3078** by Thompson, Senfronia (Relating to transfer of the regulation of podiatry to the Texas Department of Licensing and Regulation; authorizing a reduction in fees.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for HB3078, Committee Report 1st House, Substituted: a positive impact of \$60,036 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$27,606
2019	\$32,430
2020	\$61,030
2021	\$61,030
2022	\$61,030

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings from <i>General Revenue Fund</i> 1	Probable (Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain from <i>General Revenue Fund</i> 1	Probable Revenue (Loss) from <i>General Revenue Fund</i> 1
2018	\$353,958	(\$326,352)	\$600,000	(\$600,000)
2019	\$353,958	(\$321,528)	\$600,000	(\$600,000)
2020	\$353,958	(\$292,928)	\$600,000	(\$600,000)
2021	\$353,958	(\$292,928)	\$600,000	(\$600,000)
2022	\$353,958	(\$292,928)	\$600,000	(\$600,000)

Fiscal Year	Probable Revenue	Probable Revenue
	Gain from <i>Appropriated Receipts</i> 666	(Loss) from <i>Appropriated Receipts</i> 666
2018	\$9,018	(\$9,018)
2019	\$8,991	(\$8,991)
2020	\$0	\$0
2021	\$0	\$0
2022	\$0	\$0

Fiscal Analysis

The bill would amend the Occupations Code to transfer the regulation of podiatry from the Texas State Board of Podiatric Medical Examiners (TSBPE) to the Texas Department of Licensing and Regulation (TDLR). TSBPE would be abolished under the Sunset Act on September 1, 2017 and TDLR would be required to adopt rules to administer and enforce Subchapter D, Chapter 202, Occupations Code.

The bill would establish the Podiatric Medical Examiners Advisory Board to provide advice and recommendations to TDLR on technical matters relevant to the regulation of podiatrists. The advisory board would include six podiatrists and three public members appointed by the governor. The advisory board would be responsible for developing all rules relating to scope of practice and standards of care for podiatry, subject to final approval by the TDLR commission.

The bill would permit TDLR to extend the validity of a license issued by the agency from one year to two years through commission rule.

The bill would require TDLR to adopt a schedule of administrative penalties and other sanctions levied against licensees that committed offenses.

The bill would require that an applicant for licensure submit fingerprints to TDLR or the Department of Public Safety (DPS) for the purpose of a criminal history record check from the Department of Public Safety and Federal Bureau of Investigation. The bill would allow TDLR to enter into an agreement with DPS to administer the criminal history check and authorize DPS to collect from applicants an amount to cover the costs incurred by the agency in conducting the criminal history check. The bill would require all current licensees who have not undergone a criminal history check to do so by September 1, 2019.

The bill would require TDLR to periodically check prescribing information submitted by licensees to the Texas State Board of Pharmacy (TSBP) in the Prescription Monitoring Program to determine whether a licensee is engaging in potentially harmful prescribing patterns or practices. The bill requires TDLR, in coordination with TSBP, to determine conduct that constitutes such patterns or practices. The bill permits TDLR, if it suspects that a licensee is engaging in such patterns or practices, to notify the licensee and to initiate a complaint against the licensee.

The bill would repeal Occupations Code 202.153, which prohibited the regulating agency from setting fees below a specified amount.

The bill would take effect September 1, 2017.

Methodology

TSBPE's funding of approximately \$353,958 in General Revenue per fiscal year (\$278,940 per year, based on the 2018-19 House Bill 1, As Introduced, and associated employee benefits of \$75,018) would be eliminated, resulting in a savings to the state. The savings would be offset by a cost to TDLR to transition and operate the program, estimated to be General Revenue of \$326,352 in fiscal year 2018, \$321,528 in fiscal year 2019, and \$292,928 per fiscal year thereafter. These amounts include one-time costs for computer equipment for the new FTEs at TDLR (\$7,400 in fiscal year 2018), and transferring and maintaining the podiatry board's database servers (\$26,000 in fiscal year 2018 and \$28,600 in fiscal year 2019), as TDLR converts the podiatry board's data into its own database system. Under provisions of the bill, the 4 FTEs at TSBPE would be reduced and TDLR's FTEs would increase by 4. According to TDLR, licensing fees would remain unchanged, but fee revenue is reflected as a General Revenue loss at TSBPE and a General Revenue gain of an equal amount at TDLR.

TSBPE is a member of the Health Professions Council (HPC), and pays a prorated amount (\$10,131 per fiscal year) of the budget that funds HPC. As TDLR is not a member of HPC, these amounts would be redistributed across the remaining 12 HPC member agencies. It is assumed those agencies could absorb the increase within existing resources, contributing to lower cost at TDLR to operate the program.

Based on information provided by the Comptroller of Public Accounts (CPA), it is estimated that if the agency chooses to adopt a biennial license renewal schedule, this would affect the timing of revenue collection, but would not affect the amount of revenue collected for the biennium for the state.

Based on the Sunset Commission's analysis of TSBPE and TDLR, it is assumed that the repeal of the requirement that the agency may not set fees below the amount of \$250 would not have a significant impact on revenues to the state.

TSBPE estimates 667 licensees would require a fingerprint based background check by September 1, 2019. It is assumed the implementation of this requirement would be done over the next 2 years and would require 334 licensees in fiscal year 2018 and 333 licensees in 2019 to receive fingerprint based background checks. The Department of Public Safety (DPS) charges applicants \$27 to perform a fingerprint based background check to cover the cost to DPS to obtain state and national criminal history record information. Based on the number of applicants and assumed implementation of the requirement, it is estimated that there will be a revenue increase to Appropriated Receipts at DPS of \$9,018 in fiscal year 2018 and \$8,991 in fiscal year 2019 offset by an equal cost of Appropriated Receipts at the agency in each fiscal year to perform the background check.

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Local Government Impact

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Source Agencies: 116 Sunset Advisory Commission, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 313 Department of Information Resources, 360 State Office of Administrative Hearings, 364 Health Professions Council, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 454 Department of Insurance, 512 Board of Podiatric Medical Examiners, 515 Board of Pharmacy

LBB Staff: UP, JQ, KCA, EH, JSm

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 2, 2017

TO: Honorable Four Price, Chair, House Committee on Public Health

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3078** by Thompson, Senfronia (Relating to transfer of the regulation of podiatry to the Texas Department of Licensing and Regulation; authorizing a reduction in fees.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB3078, As Introduced: a positive impact of \$60,036 through the biennium ending August 31, 2019.

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	<i>Appropriated Receipts</i> 666	<i>Appropriated Receipts</i> 666
2018	\$9,018	(\$9,018)
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2020	\$0	\$0
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