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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Steve Tolh

1 Amend C.S.H.B. No. 1504 (house committee printing) by adding
2 the following appropriately numbered SECTION and renumbering
3 subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 164.052(a), Occupations Code, is
5 amended to read as follows:

6 (a) A physician or an applicant for a license to practice
7 medicine commits a prohibited practice if that person:

8 (1) submits to the board a false or misleading
9 statement, document, or certificate in an application for a
10 license;

11 (2) presents to the board a license, certificate, or
12 diploma that was illegally or fraudulently obtained;

13 (3) commits fraud or deception in taking or passing an
14 examination;

15 (4) uses alcohol or drugs in an intemperate manner
16 that, in the board's opinion, could endanger a patient's life;

17 (5) commits unprofessional or dishonorable conduct
18 that is likely to deceive or defraud the public, as provided by
19 Section 164.053, or injure the public;

20 (6) uses an advertising statement that is false,
21 misleading, or deceptive;

22 (7) advertises professional superiority or the
23 performance of professional service in a superior manner if that
24 advertising is not readily subject to verification;

25 (8) purchases, sells, barter, or uses, or offers to
26 purchase, sell, barter, or use, a medical degree, license,
27 certificate, or diploma, or a transcript of a license, certificate,
28 or diploma in or incident to an application to the board for a
29 license to practice medicine;

1 (9) alters, with fraudulent intent, a medical license,
2 certificate, or diploma, or a transcript of a medical license,
3 certificate, or diploma;

4 (10) uses a medical license, certificate, or diploma,
5 or a transcript of a medical license, certificate, or diploma that
6 has been:

7 (A) fraudulently purchased or issued;

8 (B) counterfeited; or

9 (C) materially altered;

10 (11) impersonates or acts as proxy for another person
11 in an examination required by this subtitle for a medical license;

12 (12) engages in conduct that subverts or attempts to
13 subvert an examination process required by this subtitle for a
14 medical license;

15 (13) impersonates a physician or permits another to
16 use the person's license or certificate to practice medicine in
17 this state;

18 (14) directly or indirectly employs a person whose
19 license to practice medicine has been suspended, canceled, or
20 revoked;

21 (15) associates in the practice of medicine with a
22 person:

23 (A) whose license to practice medicine has been
24 suspended, canceled, or revoked; or

25 (B) who has been convicted of the unlawful
26 practice of medicine in this state or elsewhere;

27 (16) performs or procures a criminal abortion, aids or
28 abets in the procuring of a criminal abortion, attempts to perform
29 or procure a criminal abortion, or attempts to aid or abet the
30 performance or procurement of a criminal abortion;

31 (17) directly or indirectly aids or abets the practice

1 of medicine by a person, partnership, association, or corporation
2 that is not licensed to practice medicine by the board;

3 (18) performs an abortion on a woman who is pregnant
4 with a viable unborn child during the third trimester of the
5 pregnancy unless:

6 (A) the abortion is necessary to prevent the
7 death of the woman;

8 (B) the viable unborn child has a severe,
9 irreversible brain impairment; or

10 (C) the woman is diagnosed with a significant
11 likelihood of suffering imminent severe, irreversible brain damage
12 or imminent severe, irreversible paralysis;

13 (19) performs an abortion on an unemancipated minor
14 without the written consent of the child's parent, managing
15 conservator, or legal guardian or without a court order, as
16 provided by Section 33.003 or 33.004, Family Code, unless the
17 abortion is necessary due to a medical emergency, as defined by
18 Section 171.002, Health and Safety Code;

19 (20) otherwise performs an abortion on an
20 unemancipated minor in violation of Chapter 33, Family Code; ~~[or]~~

21 (21) performs or induces or attempts to perform or
22 induce an abortion in violation of Subchapter C, F, or G, Chapter
23 171, Health and Safety Code; or

24 (22) in complying with the procedures outlined in
25 Sections 166.045 and 166.046, Health and Safety Code, fails to make
26 a reasonable effort to transfer a patient to a physician who is
27 willing to comply with a directive.