86R13085 SCL-D

By:  Raymond H.B. No. 3150

A BILL TO BE ENTITLED

AN ACT

relating to regulation of hyperbaric medical treatment at a physician's office; requiring an occupational certificate; authorizing a fee.

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

SECTION 1.  Subtitle G, Title 2, Health and Safety Code, is amended by adding Chapter 147 to read as follows:

CHAPTER 147. HYPERBARIC MEDICAL TREATMENT

Sec. 147.0001.  DEFINITION. In this chapter, "hyperbaric medical treatment" means treatment for a medical condition using a hyperbaric chamber or hyperbaric oxygen device approved by the United States Food and Drug Administration.

Sec. 147.0002.  APPLICABILITY OF CHAPTER. (a) This chapter applies only to hyperbaric medical treatment provided at an office of a physician licensed to practice medicine in this state.

(b)  This chapter does not apply to hyperbaric medical treatment provided at a health care facility other than a physician's office.

Sec. 147.0003.  CERTIFICATE REQUIRED. A person may not operate a physician's office that provides or offers to provide hyperbaric medical treatment unless the person holds a certificate of registration issued under this chapter.

Sec. 147.0004.  CERTIFICATE APPLICATION AND ISSUANCE; FEE. (a) A person may submit to the commission in the form and manner prescribed by commission rule an application for a certificate of registration to provide hyperbaric medical treatment under this chapter.

(b)  The executive commissioner by rule shall set an application fee in an amount necessary to cover the commission's costs in administering this chapter.

(c)  The commission shall issue a certificate of registration under this chapter to a person who submits a completed application under Subsection (a) and the fee required under Subsection (b) and complies with this chapter and rules adopted under this chapter.

Sec. 147.0005.  REGULATION OF TREATMENT. (a) The executive commissioner by rule shall prescribe minimum standards for hyperbaric medical treatment to ensure:

(1)  the safety of patients; and

(2)  that only eligible patients receive treatment.

(b)  The minimum standards described by Subsection (a) must include:

(1)  standards for the site of hyperbaric medical treatment; and

(2)  personnel requirements, including training, credentialing, and competency requirements.

Sec. 147.0006.  INSPECTION. (a) The commission and appropriate fire marshals may conduct an inspection of a certificate holder to determine compliance with this chapter and rules adopted under this chapter.

(b)  In a commission inspection, the commission shall inspect the certificate holder's installation of oxygen used in hyperbaric medical treatment.

Sec. 147.0007.  ENFORCEMENT. A person who violates this chapter is subject to disciplinary action by the commission or the Texas Medical Board, as appropriate.

Sec. 147.0008.  RULES. The executive commissioner and the Texas Medical Board shall adopt the rules necessary to implement and enforce this chapter.

SECTION 2.  (a) Not later than January 1, 2020, the executive commissioner of the Health and Human Services Commission and the Texas Medical Board shall adopt rules necessary to implement Chapter 147, Health and Safety Code, as added by this Act.

(b)  A person is not required to comply with Chapter 147, Health and Safety Code, as added by this Act, until January 1, 2020.

SECTION 3.  This Act takes effect September 1, 2019.