86R13238 BEE-F

By:  Sheffield H.B. No. 4312

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of a physician's authority to delegate certain radiologic procedures that constitute the practice of medicine.

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

SECTION 1.  The heading to Section 157.001, Occupations Code, is amended to read as follows:

Sec. 157.001.  GENERAL AUTHORITY OF PHYSICIAN TO DELEGATE; EXCEPTIONS.

SECTION 2.  Section 157.001, Occupations Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a)  Except as provided by Subsection (d), a [~~A~~] physician may delegate to a qualified and properly trained person acting under the physician's supervision any medical act that a reasonable and prudent physician would find within the scope of sound medical judgment to delegate if, in the opinion of the delegating physician:

(1)  the act:

(A)  can be properly and safely performed by the person to whom the medical act is delegated;

(B)  is performed in its customary manner; and

(C)  is not in violation of any other statute; and

(2)  the person to whom the delegation is made does not represent to the public that the person is authorized to practice medicine.

(c)  Except as provided by Subsection (d), the [~~The~~] board may determine whether:

(1)  an act constitutes the practice of medicine, not inconsistent with this chapter; and

(2)  a medical act may be properly or safely delegated by physicians.

(d)  The following acts constitute the practice of medicine and may not be delegated by a physician:

(1)  reading or interpreting a radiological study; and

(2)  rendering a diagnosis based on a radiological study.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.