

By: Paddie

H.B. No. 1504

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the continuation and functions of the Texas Medical
3 Board; authorizing a fee.

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

5 SECTION 1. Section 151.004, Occupations Code, is amended to
6 read as follows:

7 Sec. 151.004. APPLICATION OF SUNSET ACT. The Texas Medical
8 Board is subject to Chapter 325, Government Code (Texas Sunset
9 Act). Unless continued in existence as provided by that chapter,
10 the board is abolished and this subtitle and Chapters 204, 205, 206,
11 601, 602, 603, and 604 expire September 1, 2031 [~~2019~~].

12 SECTION 2. Section 152.010, Occupations Code, is amended by
13 amending Subsection (b) and adding Subsection (d) to read as
14 follows:

15 (b) The training program must provide the person with
16 information regarding:

17 (1) the law governing board operations [~~this~~
18 ~~subtitle~~];

19 (2) the programs, functions, rules, and budget of
20 ~~[operated by]~~ the board;

21 (3) the scope of and limitations on the rulemaking
22 authority [~~role and functions~~] of the board;

23 (4) [~~the rules of the board, with an emphasis on the~~
24 ~~rules that relate to disciplinary and investigatory authority,~~

1 ~~[(5) the current budget for the board,~~
2 ~~[(6)]~~ the results of the most recent formal audit of
3 the board;

4 (5) ~~[(7)]~~ 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 board
9 in performing their duties; and

10 (6) ~~[(8)]~~ any applicable ethics policies adopted by
11 the board or the Texas Ethics Commission.

12 (d) The executive director of the board shall create a
13 training manual that includes the information required by
14 Subsection (b). The executive director shall distribute a copy of
15 the training manual annually to each board member. Each board
16 member shall sign and submit to the executive director a statement
17 acknowledging that the member received the training manual.

18 SECTION 3. Section [153.058](#)(a), Occupations Code, is amended
19 to read as follows:

20 (a) The board shall develop and implement a policy to
21 encourage the use of:

22 (1) negotiated rulemaking procedures under Chapter
23 [2008](#), Government Code, for the adoption of any rules by the board
24 ~~[rules]~~; and

25 (2) appropriate alternative dispute resolution
26 procedures under Chapter [2009](#), Government Code, to assist in the
27 resolution of internal and external disputes under the board's

1 jurisdiction.

2 SECTION 4. Section 154.006, Occupations Code, is amended by
3 amending Subsections (b), (g), (i), (j), and (k) and adding
4 Subsections (b-1), (i-1), and (l) to read as follows:

5 (b) Except as otherwise provided by this section, a [A]
6 profile must contain the following information on each physician:

7 (1) the name of each medical school attended and the
8 dates of:

9 (A) graduation; or

10 (B) Fifth Pathway designation and completion of
11 the Fifth Pathway Program;

12 (2) a description of all graduate medical education in
13 the United States or Canada;

14 (3) any specialty certification held by the physician
15 and issued by a medical licensing board that is a member of the
16 American Board of Medical Specialties or the Bureau of Osteopathic
17 Specialists;

18 (4) the number of years the physician has actively
19 practiced medicine in:

20 (A) the United States or Canada; and

21 (B) this state;

22 (5) the name of each hospital in this state in which
23 the physician has privileges;

24 (6) the physician's primary practice location;

25 (7) the type of language translating services,
26 including translating services for a person with impairment of
27 hearing, that the physician provides at the physician's primary

1 practice location;

2 (8) whether the physician participates in the Medicaid
3 program;

4 (9) a description of any conviction for a felony, a
5 Class A or Class B misdemeanor, or a Class C misdemeanor involving
6 moral turpitude;

7 (10) a description of any charges reported to the
8 board to which the physician has pleaded no contest, for which the
9 physician is the subject of deferred adjudication or pretrial
10 diversion, or in which sufficient facts of guilt were found and the
11 matter was continued by a court;

12 (11) a description of any disciplinary action against
13 the physician by the board;

14 (12) a description of any disciplinary action against
15 the physician by a medical licensing board of another state;

16 (13) a description of the final resolution taken by
17 the board on medical malpractice claims or complaints required to
18 be opened by the board under Section [164.201](#);

19 (14) whether the physician's patient service areas are
20 accessible to disabled persons, as defined by federal law;

21 (15) a description of any formal complaint against the
22 physician initiated and filed under Section [164.005](#) and the status
23 of the complaint; and

24 (16) a description of any medical malpractice claim
25 against the physician, not including a description of any offers by
26 the physician to settle the claim, for which the physician was found
27 liable, a jury awarded monetary damages to the claimant, and the

1 award has been determined to be final and not subject to further
2 appeal.

3 (b-1) On or after the fifth anniversary of the date a
4 remedial plan is issued under Section 164.0015, the board may
5 remove from the profile of the physician subject to the plan any
6 information regarding the plan and the complaint resolved by the
7 plan unless:

8 (1) the complaint was related to the delivery of
9 health care; or

10 (2) more than one remedial plan has been issued to
11 resolve complaints alleging the same violation by the physician,
12 including a complaint not related to the delivery of health care.

13 (g) Except as otherwise provided by this section, the [The]
14 board shall update the information contained in a physician's
15 profile annually~~[, except that information provided under~~
16 ~~Subsection (i) shall be updated not later than the 10th working day~~
17 ~~after the date the formal complaint is filed or the board's order is~~
18 ~~issued].~~ The board shall adopt a form that allows a physician to
19 update information contained in a physician's profile. The form
20 shall be made available on the Internet and in other formats as
21 prescribed by board rule. The board may adopt rules concerning the
22 type and content of additional information that may be included in a
23 physician's profile.

24 (i) In addition to the information required by Subsection
25 (b) and except as otherwise provided by this section, a profile must
26 be updated to contain the text of a formal complaint filed under
27 Section 164.005 against the physician or of a board order related to

1 the formal complaint not later than the 10th working day after the
2 date the complaint is filed.

3 (i-1) Not later than the 10th working day after the date the
4 board issues a final order related to a formal complaint filed under
5 Section 164.005 against a physician, the board shall:

6 (1) remove from the physician's profile any record of
7 the formal complaint or any prior disciplinary action related to
8 the formal complaint; and

9 (2) update the physician's profile to contain the
10 board's final order.

11 (j) Information included in a physician's profile under
12 Subsections (b), ~~and~~ (i), and (i-1) may not include any patient
13 identifying information.

14 (k) Not later than the 10th working day after the date the
15 board dismisses [~~In the annual update of a physician's profile~~
16 ~~under Subsection (g), the board shall remove any record of]~~ a formal
17 complaint against a physician required to be included in the
18 physician's profile under Subsection (b)(15) or (i) [~~if the~~
19 ~~complaint was dismissed more than five years before the date of the~~
20 ~~update and the complaint was dismissed]~~ as baseless, unfounded, or
21 not supported by sufficient evidence that a violation occurred, or
22 resolves the complaint and takes no action [~~was taken~~] against the
23 physician's license as a result of the complaint, the board shall:

24 (1) remove from the physician's profile any record of
25 the formal complaint or any prior disciplinary action related to
26 the formal complaint; and

27 (2) update the physician's profile to contain the

1 board's final order dismissing or resolving the complaint.

2 (1) If no action is taken against a physician's license as a
3 result of an [~~The board shall also remove any record of the~~]
4 investigation of medical malpractice claims or complaints required
5 to be investigated by the board under Section 164.201, the board
6 shall, not later than the 10th working day after the date the board
7 resolves the investigation, remove any record of the investigation
8 from the physician's profile [~~if the investigation was resolved~~
9 ~~more than five years before the date of the update and no action was~~
10 ~~taken against the physician's license as a result of the~~
11 ~~investigation~~].

12 SECTION 5. Section 154.057, Occupations Code, is amended by
13 amending Subsection (b) and adding Subsection (b-1) to read as
14 follows:

15 (b) Except as provided by Subsection (b-1), the [~~The~~] board
16 shall complete a preliminary investigation of the complaint not
17 later than the 45th day after the date of receiving the complaint.
18 The board shall first determine whether the physician constitutes a
19 continuing threat to the public welfare. On completion of the
20 preliminary investigation, the board shall determine whether to
21 officially proceed on the complaint. If the board fails to complete
22 the preliminary investigation in the time required by this
23 subsection, the board's official investigation of the complaint is
24 considered to commence on that date.

25 (b-1) The board, for good cause, may extend a preliminary
26 investigation under Subsection (b) for not more than 15 days after
27 the date required for completion under that subsection.

1 SECTION 6. Subchapter A, Chapter 155, Occupations Code, is
2 amended by adding Section 155.011 to read as follows:

3 Sec. 155.011. EXPEDITED LICENSING PROCESS FOR CERTAIN
4 OUT-OF-STATE APPLICANTS. The board by rule shall develop and
5 implement an expedited licensing process for an applicant who is
6 considered to have satisfied the examination requirements of this
7 chapter under Section 155.0561(d).

8 SECTION 7. Section 155.056(a), Occupations Code, is amended
9 to read as follows:

10 (a) Except as otherwise provided by Subsection (a-1) and
11 Section 155.0561, an applicant must pass each part of an
12 examination within three attempts.

13 SECTION 8. Subchapter B, Chapter 155, Occupations Code, is
14 amended by adding Section 155.0561 to read as follows:

15 Sec. 155.0561. EXCEPTIONS TO EXAMINATION ATTEMPT LIMITS FOR
16 CERTAIN OUT-OF-STATE APPLICANTS. (a) In this section:

17 (1) "Active practice" means the practice of medicine
18 by a person after successful completion of a residency, fellowship,
19 or other supervised training program.

20 (2) "Full license" means a license to practice
21 medicine that is not a training license, a permit, or any other form
22 of authority to practice medicine issued to a person while the
23 person is completing or enrolled in a residency, fellowship, or
24 other supervised training program.

25 (b) This section applies only to an applicant who:

26 (1) has successfully completed a graduate medical
27 education program approved by the board;

1 (2) holds a full license and is in good standing as a
2 physician in another state or Canada;

3 (3) does not hold and has never held a medical license
4 subject to any restriction, disciplinary order, or probation;

5 (4) is not and has never been the subject of a peer
6 review that has resulted or may result in limitation, restriction,
7 suspension, or other adverse impact on the applicant's hospital or
8 other medical facility privileges; and

9 (5) is not under investigation by any licensing or law
10 enforcement agency.

11 (c) An applicant described by Subsection (b) who has held a
12 full license and been in active practice for at least one year but
13 less than five years and has passed within three attempts all but
14 one part of the examination approved by the board is considered to
15 have satisfied the examination requirements of this chapter if the
16 applicant passed the remaining part of the examination within:

17 (1) one additional attempt; or

18 (2) three additional attempts, if the applicant is
19 specialty board certified by a specialty board that is:

20 (A) a member of the American Board of Medical
21 Specialties; or

22 (B) approved by the American Osteopathic
23 Association.

24 (d) An applicant described by Subsection (b) who has held a
25 full license and been in active practice for at least five years is
26 considered to have satisfied the examination requirements of this
27 chapter regardless of the type of examination the applicant passed

1 or the number of attempts within which the applicant passed the
2 examination or any part of the examination.

3 SECTION 9. Section 162.106, Occupations Code, is amended to
4 read as follows:

5 Sec. 162.106. INSPECTIONS. (a) The board may conduct
6 inspections [~~to enforce this subchapter, including inspections of~~
7 ~~an office site and of documents~~] of a physician's equipment and
8 office procedures [~~practice~~] that relate to the provision of
9 anesthesia in an outpatient setting as necessary to enforce this
10 subchapter.

11 (b) The board may establish a risk-based inspection process
12 in which the board conducts inspections based on the length of time
13 since:

14 (1) the equipment and outpatient setting were last
15 inspected; and

16 (2) the physician submitted to inspection.

17 (c) The board may contract with another state agency or
18 qualified person to conduct the inspections.

19 (d) [(b)] Unless it would jeopardize an ongoing
20 investigation, the board shall provide at least five business days'
21 notice before conducting an on-site inspection under this section.

22 (e) The board shall maintain a record of the outpatient
23 settings in which physicians provide anesthesia.

24 (f) A physician who provides anesthesia in an outpatient
25 setting shall inform the board of any other physician with whom the
26 physician shares equipment used to administer anesthesia.

27 (g) [(e)] This section does not require the board to make an

1 on-site inspection of a physician's office.

2 SECTION 10. Section 164.0015(d), Occupations Code, is
3 amended to read as follows:

4 (d) The board may not issue a remedial plan to resolve a
5 complaint against a license holder if the license holder has
6 ~~[previously]~~ entered into a remedial plan with the board in the
7 preceding five years ~~[for the resolution of a different complaint~~
8 ~~relating to this subtitle]~~.

9 SECTION 11. Section 164.003, Occupations Code, is amended
10 by amending Subsections (b) and (f) and adding Subsection (f-1) to
11 read as follows:

12 (b) Rules adopted under this section must require that:

13 (1) an informal meeting in compliance with Section
14 2001.054, Government Code, be scheduled not later than the 180th
15 day after the date the board's official investigation of the
16 complaint is commenced as provided by Section 154.057(b), unless
17 good cause is shown by the board for scheduling the informal meeting
18 after that date;

19 (2) the board give notice to the license holder of the
20 time and place of the meeting not later than the 45th day before the
21 date the meeting is held;

22 (3) the complainant and the license holder be provided
23 an opportunity to be heard;

24 (4) at least one of the board members or district
25 review committee members participating in the informal meeting as a
26 panelist be a member who represents the public;

27 (5) the board's legal counsel or a representative of

1 the attorney general be present to advise the board or the board's
2 staff; ~~and~~

3 (6) a member of the board's staff be at the meeting to
4 present to the board's representative the facts the staff
5 reasonably believes it could prove by competent evidence or
6 qualified witnesses at a hearing; and

7 (7) if the complaint includes an allegation that the
8 license holder has violated the standard of care, the panel
9 conducting the informal proceeding consider whether the physician
10 was practicing complementary and alternative medicine.

11 (f) The notice required by Subsection (b)(2) must be
12 accompanied by a written statement of the nature of the allegations
13 and the information the board intends to use at the meeting. If the
14 board does not provide the statement or information at that time,
15 the license holder may use that failure as grounds for rescheduling
16 the informal meeting. If the complaint includes an allegation that
17 the license holder has violated the standard of care, the notice
18 must include a copy of each ~~the~~ report prepared by an ~~the~~ expert
19 physician reviewer under Section 154.0561. The license holder must
20 provide to the board the license holder's rebuttal at least 15
21 business days before the date of the meeting in order for the
22 information to be considered at the meeting.

23 (f-1) Before providing a report to a license holder under
24 Subsection (f), the board must redact any identifying information
25 of an expert physician reviewer other than the specialty of the
26 expert physician reviewer.

27 SECTION 12. Sections 164.005(a) and (c), Occupations Code,

1 are amended to read as follows:

2 (a) In this section, "formal complaint" means a written
3 statement made by a credible person [~~under oath~~] that is filed and
4 presented by a board representative charging a person with having
5 committed an act that, if proven, could affect the legal rights or
6 privileges of a license holder or other person under the board's
7 jurisdiction.

8 (c) A charge must [~~be in the form of a written affidavit~~
9 ~~that~~]:

10 (1) be [~~is~~] filed with the board's records custodian or
11 assistant records custodian; and

12 (2) detail [~~details~~] the nature of the charge as
13 required by this subtitle or other applicable law.

14 SECTION 13. Sections 164.006(a) and (b), Occupations Code,
15 are amended to read as follows:

16 (a) Notice [~~Service of process~~] to [~~notify~~] the respondent
17 of a hearing about the charges against the person must be served:

18 (1) in accordance with Chapter 2001, Government Code;
19 and

20 (2) by certified mail.

21 (b) If notice [~~service~~] described by Subsection (a) is
22 impossible or cannot be effected, the board shall publish once a
23 week for two successive weeks a notice of the hearing in a newspaper
24 published in the county of the last known place of practice in this
25 state of the person, if known.

26 SECTION 14. Sections 164.007(a) and (a-1), Occupations
27 Code, are amended to read as follows:

1 (a) The board by rule shall adopt procedures governing
2 formal disposition of a contested case under Chapter 2001,
3 Government Code. A formal hearing shall be conducted by an
4 administrative law judge employed by the State Office of
5 Administrative Hearings. After receiving the administrative law
6 judge's findings of fact and conclusions of law, the board shall:

7 (1) dispose of the contested case by issuing a final
8 order based on the administrative law judge's findings of fact and
9 conclusions of law; or

10 (2) appeal the administrative law judge's findings of
11 fact and conclusions of law in the manner provided by Section
12 164.0072.

13 (a-1) Notwithstanding Section 2001.058(e), Government
14 Code, the board may not change a finding of fact or conclusion of
15 law or vacate or modify an order of the administrative law judge.
16 ~~[The board may obtain judicial review of any finding of fact or~~
17 ~~conclusion of law issued by the administrative law judge as~~
18 ~~provided by Section 2001.058(f)(5), Government Code.] For each~~
19 case, the board has the sole authority and discretion to determine
20 the appropriate action or sanction. The ~~[, and the]~~ administrative
21 law judge may not make any recommendation regarding the appropriate
22 action or sanction.

23 SECTION 15. Subchapter A, Chapter 164, Occupations Code, is
24 amended by adding Section 164.0072 to read as follows:

25 Sec. 164.0072. BOARD APPEAL OF FINDINGS OF FACT AND
26 CONCLUSIONS OF LAW. (a) The board may, before disposing of a
27 contested case by issuing a final order, obtain judicial review of

1 any finding of fact or conclusion of law issued by the
2 administrative law judge by filing suit in a Travis County district
3 court not later than the 30th day after the date the findings of
4 fact and conclusions of law are issued.

5 (b) The board shall join in a suit filed under this section
6 the respondent in the contested case for which the board seeks to
7 obtain judicial review.

8 (c) The scope of judicial review under this section is the
9 same as the scope of judicial review provided for an appeal under
10 Section 164.009.

11 (d) After the court issues a final order in a suit filed
12 under this section, the board shall dispose of the contested case by
13 issuing a final order based on the court's final order. The
14 respondent may not appeal a sanction ordered by the board unless the
15 sanction exceeds the board's published sanctions guidelines.

16 SECTION 16. Section 164.052(a), Occupations Code, is
17 amended to read as follows:

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

20 (1) submits to the board a false or misleading
21 statement, document, or certificate in an application for a
22 license;

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

25 (3) commits fraud or deception in taking or passing an
26 examination;

27 (4) uses alcohol or drugs in an intemperate manner

1 that, in the board's opinion, could endanger a patient's life;

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

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

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

10 (8) purchases, sells, barter, or uses, or offers to
11 purchase, sell, barter, or use, a medical degree, license,
12 certificate, or diploma, or a transcript of a license, certificate,
13 or diploma in or incident to an application to the board for a
14 license to practice medicine;

15 (9) alters, with fraudulent intent, a medical license,
16 certificate, or diploma, or a transcript of a medical license,
17 certificate, or diploma;

18 (10) uses a medical license, certificate, or diploma,
19 or a transcript of a medical license, certificate, or diploma that
20 has been:

21 (A) fraudulently purchased or issued;

22 (B) counterfeited; or

23 (C) materially altered;

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

26 (12) engages in conduct that subverts or attempts to
27 subvert an examination process required by this subtitle for a

1 medical license;

2 (13) impersonates a physician or permits another to
3 use the person's license or certificate to practice medicine in
4 this state;

5 (14) directly or indirectly employs a person whose
6 license to practice medicine has been suspended, canceled, or
7 revoked;

8 (15) associates in the practice of medicine with a
9 person:

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

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

14 (16) performs or procures a criminal abortion, aids or
15 abets in the procuring of a criminal abortion, attempts to perform
16 or procure a criminal abortion, or attempts to aid or abet the
17 performance or procurement of a criminal abortion;

18 (17) directly or indirectly aids or abets the practice
19 of medicine by a person, partnership, association, or corporation
20 that is not licensed to practice medicine by the board;

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

24 (A) the abortion is necessary to prevent the
25 death of the woman;

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

1 (C) the woman is diagnosed with a significant
2 likelihood of suffering imminent severe, irreversible brain damage
3 or imminent severe, irreversible paralysis;

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

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

12 (21) performs or induces or attempts to perform or
13 induce an abortion in violation of Subchapter C, F, or G, Chapter
14 171, Health and Safety Code; or

15 (22) in complying with the procedures outlined in
16 Sections 166.045 and 166.046, Health and Safety Code, wilfully
17 fails to make a reasonable effort to transfer a patient to a
18 physician who is willing to comply with a directive.

19 SECTION 17. Chapter 167, Occupations Code, is amended by
20 adding Sections 167.012 and 167.013 to read as follows:

21 Sec. 167.012. MEMORANDUM OF UNDERSTANDING WITH BOARD. The
22 governing board and the board shall enter into a memorandum of
23 understanding to better coordinate services and operations of the
24 program. The memorandum of understanding must be adopted by rule
25 and:

26 (1) establish performance measures for the program,
27 including the number of participants who successfully complete the

1 program;

2 (2) include a list of services the board will provide
3 for the program; and

4 (3) require that an internal audit of the program be
5 conducted at least once every three years to ensure the program is
6 properly documenting and referring all noncompliance to the board.

7 Sec. 167.013. GIFTS, GRANTS, AND DONATIONS. In addition to
8 any fees paid to the board or money appropriated to the board for
9 the program, the governing board may receive and accept a gift,
10 grant, donation, or other thing of value from any source, including
11 the United States or a private source, for the program.

12 SECTION 18. Section 205.057, Occupations Code, is amended
13 by amending Subsection (b) and adding Subsection (d) to read as
14 follows:

15 (b) The training program must provide the person with
16 information regarding:

17 (1) the law governing acupuncture board operations
18 ~~[this chapter];~~

19 (2) the programs, ~~[operated by the acupuncture board,~~
20 ~~[(3) the role and]~~ functions, rules, and budget of the
21 acupuncture board;

22 (3) ~~[(4)]~~ the scope of and limitations on the
23 rulemaking authority ~~[rules]~~ of the acupuncture board;

24 (4) ~~[(5) the current budget for the acupuncture board,~~
25 ~~[(6)]~~ the results of the most recent formal audit of
26 the acupuncture board;

27 (5) ~~[(7)]~~ the requirements of:

1 (A) laws relating to open meetings, public
2 information, administrative procedure, and disclosing conflicts of
3 interest; and

4 (B) other laws applicable to members of the
5 acupuncture board in performing their duties; and

6 (6) [~~8~~] any applicable ethics policies adopted by
7 the acupuncture board or the Texas Ethics Commission.

8 (d) The executive director shall create a training manual
9 that includes the information required by Subsection (b). The
10 executive director shall distribute a copy of the training manual
11 annually to each acupuncture board member. Each board member shall
12 sign and submit to the executive director a statement acknowledging
13 that the member received the training manual.

14 SECTION 19. Subchapter E, Chapter 205, Occupations Code, is
15 amended by adding Section 205.2025 to read as follows:

16 Sec. 205.2025. CRIMINAL HISTORY RECORD INFORMATION
17 REQUIREMENT FOR LICENSE ISSUANCE. (a) The acupuncture board shall
18 require that an applicant for a license submit a complete and
19 legible set of fingerprints, on a form prescribed by the board, to
20 the board or to the Department of Public Safety for the purpose of
21 obtaining criminal history record information from the Department
22 of Public Safety and the Federal Bureau of Investigation.

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

25 (c) The acupuncture board shall conduct a criminal history
26 record information check of each applicant for a license using
27 information:

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

5 (d) The acupuncture board may:

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

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

13 SECTION 20. Subchapter F, Chapter 205, Occupations Code, is
14 amended by adding Section 205.2515 to read as follows:

15 Sec. 205.2515. CRIMINAL HISTORY RECORD INFORMATION
16 REQUIREMENT FOR RENEWAL. (a) An applicant for renewal of a license
17 issued under this chapter shall submit a complete and legible set of
18 fingerprints for purposes of performing a criminal history record
19 information check of the applicant as provided by Section 205.2025.

20 (b) The acupuncture board may administratively suspend or
21 refuse to renew the license of a person who does not comply with the
22 requirement of Subsection (a).

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

26 (1) Section 205.2025 for the initial issuance of the
27 license; or

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

3 SECTION 21. Subchapter E, Chapter 206, Occupations Code, is
4 amended by adding Section 206.2025 to read as follows:

5 Sec. 206.2025. CRIMINAL HISTORY RECORD INFORMATION
6 REQUIREMENT FOR LICENSE ISSUANCE. (a) The medical board shall
7 require that an applicant for a license submit a complete and
8 legible set of fingerprints, on a form prescribed by the board, to
9 the board or to the Department of Public Safety for the purpose of
10 obtaining criminal history record information from the Department
11 of Public Safety and the Federal Bureau of Investigation.

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

14 (c) The medical board shall conduct a criminal history
15 record information check of each applicant for a license using
16 information:

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

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

21 (d) The medical board may:

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

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

1 check.

2 SECTION 22. Section 206.203(a), Occupations Code, is
3 amended to read as follows:

4 (a) Except as provided by Section 206.206, to be eligible
5 for a license, a person must:

6 (1) ~~[be of good moral character,~~
7 ~~(2)]~~ have not been convicted of a felony or a crime
8 involving moral turpitude;

9 (2) ~~(3)~~ not use drugs or alcohol to an extent that
10 affects the applicant's professional competency;

11 (3) ~~(4)~~ not have had a license or certification
12 revoked by a licensing agency or by a certifying professional
13 organization; and

14 (4) ~~(5)~~ not have engaged in fraud or deceit in
15 applying for a license under this chapter.

16 SECTION 23. Subchapter E, Chapter 206, Occupations Code, is
17 amended by adding Section 206.2105 to read as follows:

18 Sec. 206.2105. CRIMINAL HISTORY RECORD INFORMATION
19 REQUIREMENT FOR RENEWAL. (a) An applicant for renewal of a license
20 issued under this chapter shall submit a complete and legible set of
21 fingerprints for purposes of performing a criminal history record
22 information check of the applicant as provided by Section 206.2025.

23 (b) The medical board may administratively suspend or
24 refuse to renew the license of a person who does not comply with the
25 requirement of Subsection (a).

26 (c) A license holder is not required to submit fingerprints
27 under this section for the renewal of the license if the holder has

1 previously submitted fingerprints under:

2 (1) Section 206.2025 for the initial issuance of the
3 license; or

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

6 SECTION 24. Section 601.002, Occupations Code, is amended
7 by adding Subdivisions (10-a) and (10-b) to read as follows:

8 (10-a) "Radiologist" means a physician specializing
9 in radiology certified by or board-eligible for the American Board
10 of Radiology, the American Osteopathic Board of Radiology, the
11 Royal College of Radiologists, or the Royal College of Physicians
12 and Surgeons of Canada.

13 (10-b) "Radiologist assistant" means an
14 advanced-level medical radiologic technologist who is certified
15 as:

16 (A) a registered radiologist assistant by the
17 American Registry of Radiologic Technologists; or

18 (B) a radiology practitioner assistant by the
19 Certification Board for Radiology Practitioner Assistants.

20 SECTION 25. Section 601.030, Occupations Code, is amended
21 by amending Subsection (b) and adding Subsection (d) to read as
22 follows:

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

25 (1) the law governing advisory board operations;

26 (2) [this chapter and] the [advisory board's]

27 programs, functions, rules, and budget of the advisory board;

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

3 (4) [~~(2)~~] the results of the most recent formal audit
4 of the advisory board;

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

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

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

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

13 (d) The executive director of the medical board shall create
14 a training manual that includes the information required by
15 Subsection (b). The executive director shall distribute a copy of
16 the training manual annually to each advisory board member. Each
17 board member shall sign and submit to the executive director a
18 statement acknowledging that the member received the training
19 manual.

20 SECTION 26. Sections 601.102(b) and (c), Occupations Code,
21 are amended to read as follows:

22 (b) The advisory board may issue to a person:

23 (1) a general certificate to perform radiologic
24 procedures; ~~or~~

25 (2) a limited certificate that authorizes the person
26 to perform radiologic procedures only on specific parts of the
27 human body; or

1 (3) a radiologist assistant certificate to a person
2 who meets the requirements established under Section 601.1021.

3 (c) The advisory board may issue to a person a temporary
4 general certificate, ~~[or]~~ a temporary limited certificate, or a
5 temporary radiologist assistant certificate that authorizes the
6 person to perform radiologic procedures for a period not to exceed
7 one year.

8 SECTION 27. Subchapter C, Chapter 601, Occupations Code, is
9 amended by adding Section 601.1021 to read as follows:

10 Sec. 601.1021. RADIOLOGIST ASSISTANT CERTIFICATE. (a) The
11 advisory board by rule shall establish the education and training
12 required for a person to obtain a radiologist assistant
13 certificate.

14 (b) A radiologist assistant certificate holder:

15 (1) may perform radiologic procedures only under the
16 supervision of a radiologist; and

17 (2) may not interpret images, make diagnoses, or
18 prescribe any medication or therapy.

19 SECTION 28. Section 604.030, Occupations Code, is amended
20 by amending Subsection (b) and adding Subsection (d) to read as
21 follows:

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

24 (1) the law governing advisory board operations;

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

27 (3) the scope of and limitations on the rulemaking

1 authority of the advisory board;

2 (4) [~~(2)~~] the results of the most recent formal audit
3 of the advisory board;

4 (5) [~~(3)~~] 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 their duties; and

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

12 (d) The executive director of the medical board shall create
13 a training manual that includes the information required by
14 Subsection (b). The executive director shall distribute a copy of
15 the training manual annually to each advisory board member. Each
16 board member shall sign and submit to the executive director a
17 statement acknowledging that the member received the training
18 manual.

19 SECTION 29. Sections [155.056](#)(c) and (d), Occupations Code,
20 are repealed.

21 SECTION 30. (a) Except as provided by Subsection (b) of
22 this section, Sections [152.010](#), [205.057](#), [601.030](#), and [604.030](#),
23 Occupations Code, as amended by this Act, apply to a member of the
24 applicable board appointed before, on, or after the effective date
25 of this Act.

26 (b) A member of a board who, before the effective date of
27 this Act, completed the training program required by Section

1 152.010, 205.057, 601.030, or 604.030, Occupations Code, as the
2 applicable law existed before the effective date of this Act, is
3 only required to complete additional training on subjects added by
4 this Act to the training program required by, as applicable,
5 Section 152.010, 205.057, 601.030, or 604.030, Occupations Code, as
6 amended by this Act. A board member described by this subsection
7 may not vote, deliberate, or be counted as a member in attendance at
8 a meeting of the applicable board held on or after December 1, 2019,
9 until the member completes the additional training.

10 SECTION 31. Not later than March 1, 2020, the Texas Medical
11 Board shall adopt rules necessary to implement Section 164.003(b),
12 Occupations Code, as amended by this Act.

13 SECTION 32. Not later than January 1, 2020, the Texas
14 Medical Board and the governing board of the Texas Physician Health
15 Program by rule shall adopt the memorandum of understanding
16 required by Section 167.012, Occupations Code, as added by this
17 Act.

18 SECTION 33. Not later than September 1, 2021, the Texas
19 State Board of Acupuncture Examiners and the Texas Medical Board
20 shall obtain criminal history record information on each person
21 who, on the effective date of this Act, holds a license issued under
22 Chapter 205 or 206, Occupations Code, as applicable, and did not
23 undergo a criminal history record information check based on the
24 license holder's fingerprints on the initial application for the
25 license. A board may suspend the license of a license holder who
26 does not provide the criminal history record information as
27 required by the board and this section.

1 SECTION 34. Not later than January 1, 2020, the Texas
2 Medical Board shall approve the rules required by Section 601.1021,
3 Occupations Code, as added by this Act.

4 SECTION 35. This Act takes effect September 1, 2019.