

AN ACT

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

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

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

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

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

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

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

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

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

(4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by

1 limiting competition or impacting prices charged by persons engaged  
2 in a profession or business the board regulates, including any  
3 rule, interpretation, or enforcement action that:

4 (A) regulates the scope of practice of persons in  
5 a profession or business the board regulates;

6 (B) restricts advertising by persons in a  
7 profession or business the board regulates;

8 (C) affects the price of goods or services  
9 provided by persons in a profession or business the board  
10 regulates; or

11 (D) restricts participation in a profession or  
12 business the board regulates [~~the rules of the board, with an~~  
13 ~~emphasis on the rules that relate to disciplinary and investigatory~~  
14 ~~authority];~~

15 (5) [~~the current budget for the board;~~  
16 [~~6~~] the results of the most recent formal audit of  
17 the board;

18 (6) [~~7~~] the requirements of:

19 (A) laws relating to open meetings, public  
20 information, administrative procedure, and disclosure of conflicts  
21 of interest; and

22 (B) other laws applicable to members of the board  
23 in performing their duties; and

24 (7) [~~8~~] any applicable ethics policies adopted by  
25 the board or the Texas Ethics Commission.

26 (d) The executive director of the board shall create a  
27 training manual that includes the information required by

1 Subsection (b). The executive director shall distribute a copy of  
2 the training manual annually to each board member. Each board  
3 member shall sign and submit to the executive director a statement  
4 acknowledging that the member received and has reviewed the  
5 training manual.

6 SECTION 3. Section 153.058(a), Occupations Code, is amended  
7 to read as follows:

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

10 (1) negotiated rulemaking procedures under Chapter  
11 2008, Government Code, for the adoption of any rules by the board  
12 [~~rules~~]; and

13 (2) appropriate alternative dispute resolution  
14 procedures under Chapter 2009, Government Code, to assist in the  
15 resolution of internal and external disputes under the board's  
16 jurisdiction.

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

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

22 (1) the name of each medical school attended and the  
23 dates of:

24 (A) graduation; or

25 (B) Fifth Pathway designation and completion of  
26 the Fifth Pathway Program;

27 (2) a description of all graduate medical education in

1 the United States or Canada;

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

6 (4) the number of years the physician has actively  
7 practiced medicine in:

8 (A) the United States or Canada; and

9 (B) this state;

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

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

13 (7) the type of language translating services,  
14 including translating services for a person with impairment of  
15 hearing, that the physician provides at the physician's primary  
16 practice location;

17 (8) whether the physician participates in the Medicaid  
18 program;

19 (9) a description of any conviction for a felony, a  
20 Class A or Class B misdemeanor, or a Class C misdemeanor involving  
21 moral turpitude;

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

27 (11) a description of any disciplinary action against

1 the physician by the board;

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

4 (13) a description of the final resolution taken by  
5 the board on medical malpractice claims or complaints required to  
6 be opened by the board under Section 164.201;

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

9 (15) a description of any formal complaint against the  
10 physician initiated and filed under Section 164.005 and the status  
11 of the complaint; and

12 (16) a description of any medical malpractice claim  
13 against the physician, not including a description of any offers by  
14 the physician to settle the claim, for which the physician was found  
15 liable, a jury awarded monetary damages to the claimant, and the  
16 award has been determined to be final and not subject to further  
17 appeal.

18 (b-1) On or after the fifth anniversary of the date a  
19 remedial plan is issued under Section 164.0015, the board may  
20 remove from the profile of the physician subject to the plan any  
21 information regarding the plan and the complaint resolved by the  
22 plan unless:

23 (1) the complaint was related to the delivery of  
24 health care; or

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

1           (g) Except as otherwise provided by this section, the ~~[The]~~  
2 board shall update the information contained in a physician's  
3 profile annually~~[, except that information provided under~~  
4 ~~Subsection (i) shall be updated not later than the 10th working day~~  
5 ~~after the date the formal complaint is filed or the board's order is~~  
6 ~~issued]~~. The board shall adopt a form that allows a physician to  
7 update information contained in a physician's profile. The form  
8 shall be made available on the Internet and in other formats as  
9 prescribed by board rule. The board may adopt rules concerning the  
10 type and content of additional information that may be included in a  
11 physician's profile.

12           (i) In addition to the information required by Subsection  
13 (b) and except as otherwise provided by this section, a profile must  
14 be updated to contain the text of a formal complaint filed under  
15 Section 164.005 against the physician or of a board order related to  
16 the formal complaint not later than the 10th working day after the  
17 date the complaint is filed.

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

21                   (1) remove from the physician's profile any record of  
22 the formal complaint or any prior disciplinary action related to  
23 the formal complaint; and

24                   (2) update the physician's profile to contain the  
25 board's final order.

26           (j) Information included in a physician's profile under  
27 Subsections (b), ~~[and]~~ (i), and (i-1) may not include any patient

1 identifying information.

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

12 (1) remove from the physician's profile any record of  
13 the formal complaint or any prior disciplinary action related to  
14 the formal complaint; and

15 (2) update the physician's profile to contain the  
16 board's final order dismissing or resolving the complaint.

17 (l) If no action is taken against a physician's license as a  
18 result of an [~~The board shall also remove any record of the]~~  
19 investigation of medical malpractice claims or complaints required  
20 to be investigated by the board under Section [164.201](#), the board  
21 shall, not later than the 10th working day after the date the board  
22 resolves the investigation, remove any record of the investigation  
23 from the physician's profile [~~if the investigation was resolved~~  
24 ~~more than five years before the date of the update and no action was~~  
25 ~~taken against the physician's license as a result of the~~  
26 ~~investigation]~~.

27 SECTION 5. Section [154.057](#), Occupations Code, is amended by

1 amending Subsection (b) and adding Subsection (b-1) to read as  
2 follows:

3 (b) Except as provided by Subsection (b-1), the [The] board  
4 shall complete a preliminary investigation of the complaint not  
5 later than the 45th day after the date of receiving the complaint.  
6 The board shall first determine whether the physician constitutes a  
7 continuing threat to the public welfare. On completion of the  
8 preliminary investigation, the board shall determine whether to  
9 officially proceed on the complaint. If the board fails to complete  
10 the preliminary investigation in the time required by this  
11 subsection, the board's official investigation of the complaint is  
12 considered to commence on that date.

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

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

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

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

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



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

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

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

8 (2) "Full license" means a license to practice  
9 medicine that is not a training license, a permit, or any other form  
10 of authority to practice medicine issued to a person while the  
11 person is completing or enrolled in a residency, fellowship, or  
12 other supervised training program.

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

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

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

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

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

24 (5) is not under investigation by any licensing or law  
25 enforcement agency.

26 (c) An applicant described by Subsection (b) who has held a  
27 full license and been in active practice for at least one year but

1 less than five years and has passed within three attempts all but  
2 one part of the examination approved by the board is considered to  
3 have satisfied the examination requirements of this chapter if the  
4 applicant passed the remaining part of the examination within:

5 (1) one additional attempt; or

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

8 (A) a member of the American Board of Medical  
9 Specialties; or

10 (B) approved by the American Osteopathic  
11 Association.

12 (d) An applicant described by Subsection (b) who has held a  
13 full license and been in active practice for at least five years is  
14 considered to have satisfied the examination requirements of this  
15 chapter regardless of the type of examination the applicant passed  
16 or the number of attempts within which the applicant passed the  
17 examination or any part of the examination.

18 SECTION 9. Section 162.106, Occupations Code, is amended to  
19 read as follows:

20 Sec. 162.106. INSPECTIONS. (a) The board may conduct  
21 inspections [~~to enforce this subchapter, including inspections of~~  
22 ~~an office site and of documents]~~ of a physician's equipment and  
23 office procedures [~~practice]~~ that relate to the provision of  
24 anesthesia in an outpatient setting as necessary to enforce this  
25 subchapter.

26 (b) The board may establish a risk-based inspection process  
27 in which the board conducts inspections based on the length of time

1 since:

2 (1) the equipment and outpatient setting were last  
3 inspected; and

4 (2) the physician submitted to inspection.

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

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

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

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

15 (g) [~~(e)~~] This section does not require the board to make an  
16 on-site inspection of a physician's office.

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

19 (d) The board may not issue a remedial plan to resolve a  
20 complaint against a license holder if the license holder has  
21 [~~previously~~] entered into a remedial plan with the board in the  
22 preceding five years [~~for the resolution of a different complaint~~  
23 ~~relating to this subtitle~~].

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

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

1 (1) an informal meeting in compliance with Section  
2 2001.054, Government Code, be scheduled not later than the 180th  
3 day after the date the board's official investigation of the  
4 complaint is commenced as provided by Section 154.057(b), unless  
5 good cause is shown by the board for scheduling the informal meeting  
6 after that date;

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

10 (3) the complainant and the license holder be provided  
11 an opportunity to be heard;

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

15 (5) the board's legal counsel or a representative of  
16 the attorney general be present to advise the board or the board's  
17 staff; ~~and~~

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

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

26 (f) The notice required by Subsection (b)(2) must be  
27 accompanied by a written statement of the nature of the allegations

1 and the information the board intends to use at the meeting. If the  
2 board does not provide the statement or information at that time,  
3 the license holder may use that failure as grounds for rescheduling  
4 the informal meeting. If the complaint includes an allegation that  
5 the license holder has violated the standard of care, the notice  
6 must include a copy of each ~~[the]~~ report prepared by an ~~[the]~~ expert  
7 physician reviewer under Section 154.0561. The license holder must  
8 provide to the board the license holder's rebuttal at least 15  
9 business days before the date of the meeting in order for the  
10 information to be considered at the meeting.

11 (f-1) Before providing a report to a license holder under  
12 Subsection (f), the board must redact any identifying information  
13 of an expert physician reviewer other than the specialty of the  
14 expert physician reviewer.

15 SECTION 12. Sections 164.005(a) and (c), Occupations Code,  
16 are amended to read as follows:

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

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

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

27 (2) detail ~~[details]~~ the nature of the charge as

1 required by this subtitle or other applicable law.

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

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

6 (1) in accordance with Chapter 2001, Government Code;  
7 and

8 (2) by certified mail.

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

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

16 (a) The board by rule shall adopt procedures governing  
17 formal disposition of a contested case under Chapter 2001,  
18 Government Code. A formal hearing shall be conducted by an  
19 administrative law judge employed by the State Office of  
20 Administrative Hearings. After receiving the administrative law  
21 judge's findings of fact and conclusions of law, the board shall:

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

25 (2) appeal the administrative law judge's findings of  
26 fact and conclusions of law in the manner provided by Section  
27 164.0072.

1 (a-1) Notwithstanding Section 2001.058(e), Government  
2 Code, the board may not change a finding of fact or conclusion of  
3 law or vacate or modify an order of the administrative law judge.  
4 ~~[The board may obtain judicial review of any finding of fact or~~  
5 ~~conclusion of law issued by the administrative law judge as~~  
6 ~~provided by Section 2001.058(f)(5), Government Code.]~~ For each  
7 case, the board has the sole authority and discretion to determine  
8 the appropriate action or sanction. The ~~[, and the]~~ administrative  
9 law judge may not make any recommendation regarding the appropriate  
10 action or sanction.

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

13 Sec. 164.0072. BOARD APPEAL OF FINDINGS OF FACT AND  
14 CONCLUSIONS OF LAW. (a) The board may, before disposing of a  
15 contested case by issuing a final order, obtain judicial review of  
16 any finding of fact or conclusion of law issued by the  
17 administrative law judge by filing suit in a Travis County district  
18 court not later than the 30th day after the date the findings of  
19 fact and conclusions of law are issued.

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

23 (c) The scope of judicial review under this section is the  
24 same as the scope of judicial review provided for an appeal under  
25 Section 164.009.

26 (d) After the court issues a final order in a suit filed  
27 under this section, the board shall dispose of the contested case by

1 issuing a final order based on the court's final order. The  
2 respondent may not appeal a sanction ordered by the board unless the  
3 sanction exceeds the board's published sanctions guidelines.

4 SECTION 16. 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,



1 or diploma in or incident to an application to the board for a  
2 license to practice medicine;

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

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

9 (A) fraudulently purchased or issued;

10 (B) counterfeited; or

11 (C) materially altered;

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

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

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

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

23 (15) associates in the practice of medicine with a  
24 person:

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

27 (B) who has been convicted of the unlawful

1 practice of medicine in this state or elsewhere;

2 (16) performs or procures a criminal abortion, aids or  
3 abets in the procuring of a criminal abortion, attempts to perform  
4 or procure a criminal abortion, or attempts to aid or abet the  
5 performance or procurement of a criminal abortion;

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

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

12 (A) the abortion is necessary to prevent the  
13 death of the woman;

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

16 (C) the woman is diagnosed with a significant  
17 likelihood of suffering imminent severe, irreversible brain damage  
18 or imminent severe, irreversible paralysis;

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

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

27 (21) performs or induces or attempts to perform or

1 induce an abortion in violation of Subchapter C, F, or G, Chapter  
2 171, Health and Safety Code; or

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

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

9 Sec. 167.012. MEMORANDUM OF UNDERSTANDING WITH BOARD. The  
10 governing board and the board shall enter into a memorandum of  
11 understanding to better coordinate services and operations of the  
12 program. The memorandum of understanding must be adopted by rule  
13 and:

14 (1) establish performance measures for the program,  
15 including the number of participants who successfully complete the  
16 program;

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

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

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

27 SECTION 18. Section 205.057, Occupations Code, is amended

1 by amending Subsection (b) and adding Subsection (d) to read as  
2 follows:

3 (b) The training program must provide the person with  
4 information regarding:

5 (1) the law governing acupuncture board operations  
6 ~~[this chapter];~~

7 (2) the programs, ~~[operated by the acupuncture board,~~  
8 ~~[(3) the role and]~~ functions, rules, and budget of the  
9 acupuncture board;

10 (3) ~~[(4)]~~ the scope of and limitations on the  
11 rulemaking authority ~~[rules]~~ of the acupuncture board;

12 (4) the types of acupuncture board rules,  
13 interpretations, and enforcement actions that may implicate  
14 federal antitrust law by limiting competition or impacting prices  
15 charged by persons engaged in a profession or business the  
16 acupuncture board regulates, including any rule, interpretation,  
17 or enforcement action that:

18 (A) regulates the scope of practice of persons in  
19 a profession or business the acupuncture board regulates;

20 (B) restricts advertising by persons in a  
21 profession or business the acupuncture board regulates;

22 (C) affects the price of goods or services  
23 provided by persons in a profession or business the acupuncture  
24 board regulates; or

25 (D) restricts participation in a profession or  
26 business the acupuncture board regulates;

27 (5) ~~[the current budget for the acupuncture board,~~

1           ~~[(6)]~~ the results of the most recent formal audit of  
2 the acupuncture board;

3           (6) ~~[(7)]~~ the requirements of:

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

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

9           (7) ~~[(8)]~~ any applicable ethics policies adopted by  
10 the acupuncture board or the Texas Ethics Commission.

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

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

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

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

1       (c) The acupuncture board shall conduct a criminal history  
2 record 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 board by the Department of  
6 Public Safety, the Federal Bureau of Investigation, and any other  
7 criminal justice agency under Chapter 411, Government Code.

8       (d) The acupuncture board 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 20. Subchapter F, Chapter 205, Occupations Code, is  
17 amended by adding Section 205.2515 to read as follows:

18       Sec. 205.2515. 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 205.2025.

23       (b) The acupuncture 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 205.2025 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 21. Subchapter E, Chapter 206, Occupations Code, is  
7 amended by adding Section 206.2025 to read as follows:

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

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

17 (c) The medical board shall conduct a criminal history  
18 record information check of each applicant for a license using  
19 information:

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

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

24 (d) The medical board may:

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

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

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

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

9           (1) ~~[be of good moral character;~~

10           ~~[(2)]~~ have not been convicted of a felony or a crime  
11 involving moral turpitude;

12           (2) ~~[(3)]~~ not use drugs or alcohol to an extent that  
13 affects the applicant's professional competency;

14           (3) ~~[(4)]~~ not have had a license or certification  
15 revoked by a licensing agency or by a certifying professional  
16 organization; and

17           (4) ~~[(5)]~~ not have engaged in fraud or deceit in  
18 applying for a license under this chapter.

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

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

26           (b) The medical board may administratively suspend or  
27 refuse to renew the license of a person who does not comply with the



1 requirement of Subsection (a).

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

5 (1) Section 206.2025 for the initial issuance of the  
6 license; or

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

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

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

16 (10-b) "Radiologist assistant" means an  
17 advanced-level medical radiologic technologist who is certified  
18 as:

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

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

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

26 (b) The training program must provide the person with  
27 information regarding:

- 1           (1) the law governing advisory board operations;  
2           (2) [this chapter and] the [advisory board's]  
3 programs, functions, rules, and budget of the advisory board;  
4           (3) the scope of and limitations on the rulemaking  
5 authority of the advisory board;  
6           (4) the types of advisory board rules,  
7 interpretations, and enforcement actions that may implicate  
8 federal antitrust law by limiting competition or impacting prices  
9 charged by persons engaged in a profession or business the advisory  
10 board regulates, including any rule, interpretation, or  
11 enforcement action that:  
12                 (A) regulates the scope of practice of persons in  
13 a profession or business the advisory board regulates;  
14                 (B) restricts advertising by persons in a  
15 profession or business the advisory board regulates;  
16                 (C) affects the price of goods or services  
17 provided by persons in a profession or business the advisory board  
18 regulates; or  
19                 (D) restricts participation in a profession or  
20 business the advisory board regulates;  
21           (5) [~~(2)~~] the results of the most recent formal audit  
22 of the advisory board;  
23           (6) [~~(3)~~] the requirements of:  
24                 (A) laws relating to open meetings, public  
25 information, administrative procedure, and disclosure of conflicts  
26 of interest; and  
27                 (B) other laws applicable to members of the

1 advisory board in performing their duties; and

2 (7) [(4)] any applicable ethics policies adopted by  
3 the advisory board or the Texas Ethics Commission.

4 (d) The executive director of the medical board shall create  
5 a training manual that includes the information required by  
6 Subsection (b). The executive director shall distribute a copy of  
7 the training manual annually to each advisory board member. Each  
8 board member shall sign and submit to the executive director a  
9 statement acknowledging that the member received and has reviewed  
10 the training manual.

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

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

14 (1) a general certificate to perform radiologic  
15 procedures; ~~or~~

16 (2) a limited certificate that authorizes the person  
17 to perform radiologic procedures only on specific parts of the  
18 human body; or

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

21 (c) The advisory board may issue to a person a temporary  
22 general certificate, ~~or~~ a temporary limited certificate, or a  
23 temporary radiologist assistant certificate that authorizes the  
24 person to perform radiologic procedures for a period not to exceed  
25 one year.

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

1       Sec. 601.1021. RADIOLOGIST ASSISTANT CERTIFICATE. (a) The  
2 advisory board by rule shall establish the education and training  
3 required for a person to obtain a radiologist assistant  
4 certificate.

5       (b) A radiologist assistant certificate holder:

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

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

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

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

15           (1) the law governing advisory board operations;

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

18           (3) the scope of and limitations on the rulemaking  
19 authority of the advisory board;

20           (4) the types of advisory board rules,  
21 interpretations, and enforcement actions that may implicate  
22 federal antitrust law by limiting competition or impacting prices  
23 charged by persons engaged in a profession or business the advisory  
24 board regulates, including any rule, interpretation, or  
25 enforcement action that:

26           (A) regulates the scope of practice of persons in  
27 a profession or business the advisory board regulates;

1           (B) restricts advertising by persons in a  
2 profession or business the advisory board regulates;

3           (C) affects the price of goods or services  
4 provided by persons in a profession or business the advisory board  
5 regulates; or

6           (D) restricts participation in a profession or  
7 business the advisory board regulates;

8           (5) [~~(2)~~] the results of the most recent formal audit  
9 of the advisory board;

10          (6) [~~(3)~~] the requirements of:

11           (A) laws relating to open meetings, public  
12 information, administrative procedure, and disclosure of conflicts  
13 of interest; and

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

16          (7) [~~(4)~~] any applicable ethics policies adopted by  
17 the advisory board or the Texas Ethics Commission.

18          (d) The executive director of the medical board shall create  
19 a training manual that includes the information required by  
20 Subsection (b). The executive director shall distribute a copy of  
21 the training manual annually to each advisory board member. Each  
22 board member shall sign and submit to the executive director a  
23 statement acknowledging that the member received and has reviewed  
24 the training manual.

25          SECTION 29. Sections 155.056(c) and (d), Occupations Code,  
26 are repealed.

27          SECTION 30. (a) Except as provided by Subsection (b) of

1 this section, Sections 152.010, 205.057, 601.030, and 604.030,  
2 Occupations Code, as amended by this Act, apply to a member of the  
3 applicable board appointed before, on, or after the effective date  
4 of this Act.

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

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

19 SECTION 32. Not later than January 1, 2020, the Texas  
20 Medical Board and the governing board of the Texas Physician Health  
21 Program by rule shall adopt the memorandum of understanding  
22 required by Section 167.012, Occupations Code, as added by this  
23 Act.

24 SECTION 33. Not later than September 1, 2021, the Texas  
25 State Board of Acupuncture Examiners and the Texas Medical Board  
26 shall obtain criminal history record information on each person  
27 who, on the effective date of this Act, holds a license issued under

1 Chapter 205 or 206, Occupations Code, as applicable, and did not  
2 undergo a criminal history record information check based on the  
3 license holder's fingerprints on the initial application for the  
4 license. A board may suspend the license of a license holder who  
5 does not provide the criminal history record information as  
6 required by the board and this section.

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

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1504 was passed by the House on April 17, 2019, by the following vote: Yeas 127, Nays 7, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1504 on May 20, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1504 on May 25, 2019, by the following vote: Yeas 137, Nays 0, 1 present, not voting.

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Chief Clerk of the House



H.B. No. 1504

I certify that H.B. No. 1504 was passed by the Senate, with amendments, on May 14, 2019, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1504 on May 25, 2019, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor