

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) and (k) and adding Subsection (b-1) to
4 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 (k) In the annual update of a physician's profile under
14 Subsection (g), the board shall remove any record of a formal
15 complaint required under Subsection (b)(15) or (i) if the complaint
16 [~~was dismissed more than five years before the date of the update~~
17 ~~and the complaint~~] was dismissed as baseless, unfounded, or not
18 supported by sufficient evidence that a violation occurred, or no
19 action was taken against the physician's license as a result of the
20 complaint. The board shall also remove any record of the
21 investigation of medical malpractice claims or complaints required
22 to be investigated by the board under Section 164.201 if the
23 investigation was resolved [~~more than five years before the date of~~
24 ~~the update~~] and no action was taken against the physician's license
25 as a result of the investigation.

26 SECTION 5. Subchapter A, Chapter 155, Occupations Code, is
27 amended by adding Section 155.011 to read as follows:

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

6 SECTION 6. Section 155.056(a), Occupations Code, is amended
7 to read as follows:

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

11 SECTION 7. Subchapter B, Chapter 155, Occupations Code, is
12 amended by adding Section 155.0561 to read as follows:

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

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

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

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

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

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

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

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

7 (5) is not under investigation by any licensing or law
8 enforcement agency.

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

15 (1) one additional attempt; or

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

18 (A) a member of the American Board of Medical
19 Specialties; or

20 (B) approved by the American Osteopathic
21 Association.

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

1 SECTION 8. Section 162.106, Occupations Code, is amended to
2 read as follows:

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

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

12 (1) the equipment and outpatient setting were last
13 inspected; and

14 (2) the physician submitted to inspection.

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

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

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

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

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

27 SECTION 9. Section 164.0015(d), Occupations Code, is

1 amended to read as follows:

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

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

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

11 (1) an informal meeting in compliance with Section
12 2001.054, Government Code, be scheduled not later than the 180th
13 day after the date the board's official investigation of the
14 complaint is commenced as provided by Section 154.057(b), unless
15 good cause is shown by the board for scheduling the informal meeting
16 after that date;

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

20 (3) the complainant and the license holder be provided
21 an opportunity to be heard;

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

25 (5) the board's legal counsel or a representative of
26 the attorney general be present to advise the board or the board's
27 staff; [~~and~~]

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

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

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

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

25 SECTION 11. Sections 164.005(a) and (c), Occupations Code,
26 are amended to read as follows:

27 (a) In this section, "formal complaint" means a written

1 statement made by a credible person [~~under oath~~] that is filed and
2 presented by a board representative charging a person with having
3 committed an act that, if proven, could affect the legal rights or
4 privileges of a license holder or other person under the board's
5 jurisdiction.

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

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

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

12 SECTION 12. Sections 164.006(a) and (b), Occupations Code,
13 are amended to read as follows:

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

16 (1) in accordance with Chapter 2001, Government Code;
17 and

18 (2) by certified mail.

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

24 SECTION 13. Chapter 167, Occupations Code, is amended by
25 adding Sections 167.012 and 167.013 to read as follows:

26 Sec. 167.012. MEMORANDUM OF UNDERSTANDING WITH BOARD. The
27 governing board and the board shall enter into a memorandum of

1 understanding to better coordinate services and operations of the
2 program. The memorandum of understanding must be adopted by rule
3 and:

4 (1) establish performance measures for the program,
5 including the number of participants who successfully complete the
6 program;

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

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

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

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

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

22 (1) the law governing acupuncture board operations
23 [~~this chapter~~];

24 (2) the programs, [~~operated by the acupuncture board,~~
25 [~~(3) the role and~~] functions, rules, and budget of the
26 acupuncture board;

27 (3) [~~(4)~~] the scope of and limitations on the

1 rulemaking authority [~~rules~~] of the acupuncture board;

2 (4) [~~(5)~~] ~~the current budget for the acupuncture board,~~
3 [~~(6)~~] the results of the most recent formal audit of
4 the acupuncture board;

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

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

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

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

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

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

3 (c) The acupuncture board shall conduct a criminal history
4 record information check of each applicant for a license using
5 information:

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

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

10 (d) The acupuncture board may:

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

14 (2) authorize the Department of Public Safety to
15 collect from each applicant the costs incurred by the Department of
16 Public Safety in conducting the criminal history record information
17 check.

18 SECTION 16. Subchapter F, Chapter 205, Occupations Code, is
19 amended by adding Section 205.2515 to read as follows:

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

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

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

4 (1) Section 205.2025 for the initial issuance of the
5 license; or

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

8 SECTION 17. Subchapter E, Chapter 206, Occupations Code, is
9 amended by adding Section 206.2025 to read as follows:

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

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

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

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

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

26 (d) The medical board may:

27 (1) enter into an agreement with the Department of

1 Public Safety to administer a criminal history record information
2 check required under this section; and

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

7 SECTION 18. Section 206.203(a), Occupations Code, is
8 amended to read as follows:

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

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

14 (2) ~~[(3)]~~ not use drugs or alcohol to an extent that
15 affects the applicant's professional competency;

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

19 (4) ~~[(5)]~~ not have engaged in fraud or deceit in
20 applying for a license under this chapter.

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

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

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

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

7 (1) Section 206.2025 for the initial issuance of the
8 license; or

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

11 SECTION 20. Section 601.002, Occupations Code, is amended
12 by adding Subdivisions (10-a) and (10-b) to read as follows:

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

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

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

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

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

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

3 (1) the law governing advisory board operations;

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

6 (3) the scope of and limitations on the rulemaking
7 authority of the advisory board;

8 (4) [~~(2)~~] the results of the most recent formal audit
9 of the advisory board;

10 (5) [~~(3)~~] the requirements of:

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

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

16 (6) [~~(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 the training
24 manual.

25 SECTION 22. Sections 601.102(b) and (c), Occupations Code,
26 are amended to read as follows:

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

1 (1) a general certificate to perform radiologic
2 procedures; ~~[or]~~

3 (2) a limited certificate that authorizes the person
4 to perform radiologic procedures only on specific parts of the
5 human body; or

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

8 (c) The advisory board may issue to a person a temporary
9 general certificate, ~~[or]~~ a temporary limited certificate, or a
10 temporary radiologist assistant certificate that authorizes the
11 person to perform radiologic procedures for a period not to exceed
12 one year.

13 SECTION 23. Subchapter C, Chapter 601, Occupations Code, is
14 amended by adding Section 601.1021 to read as follows:

15 Sec. 601.1021. RADIOLOGIST ASSISTANT CERTIFICATE. (a) The
16 advisory board by rule shall establish the education and training
17 required for a person to obtain a radiologist assistant
18 certificate.

19 (b) A radiologist assistant certificate holder:

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

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

24 SECTION 24. Section 604.030, Occupations Code, is amended
25 by amending Subsection (b) and adding Subsection (d) to read as
26 follows:

27 (b) The training program must provide the person with

1 information regarding:

2 (1) the law governing advisory board operations;

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

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

5 (3) the scope of and limitations on the rulemaking
6 authority of the advisory board;

7 (4) [~~(2)~~] the results of the most recent formal audit
8 of the advisory board;

9 (5) [~~(3)~~] the requirements of:

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

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

15 (6) [~~(4)~~] any applicable ethics policies adopted by
16 the advisory board or the Texas Ethics Commission.

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

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

26 SECTION 26. (a) Except as provided by Subsection (b) of
27 this section, Sections 152.010, 205.057, 601.030, and 604.030,

1 Occupations Code, as amended by this Act, apply to a member of the
2 applicable board appointed before, on, or after the effective date
3 of this Act.

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

15 SECTION 27. Not later than March 1, 2020, the Texas Medical
16 Board shall adopt rules necessary to implement Section 164.003(b),
17 Occupations Code, as amended by this Act.

18 SECTION 28. Not later than January 1, 2020, the Texas
19 Medical Board and the governing board of the Texas Physician Health
20 Program by rule shall adopt the memorandum of understanding
21 required by Section 167.012, Occupations Code, as added by this
22 Act.

23 SECTION 29. Not later than September 1, 2021, the Texas
24 State Board of Acupuncture Examiners and the Texas Medical Board
25 shall obtain criminal history record information on each person
26 who, on the effective date of this Act, holds a license issued under
27 Chapter 205 or 206, Occupations Code, as applicable, and did not

1 undergo a criminal history record information check based on the
2 license holder's fingerprints on the initial application for the
3 license. A board may suspend the license of a license holder who
4 does not provide the criminal history record information as
5 required by the board and this section.

6 SECTION 30. Not later than January 1, 2020, the Texas
7 Medical Board shall approve the rules required by Section 601.1021,
8 Occupations Code, as added by this Act.

9 SECTION 31. This Act takes effect September 1, 2019.