

By: Ramos

H.B. No. 3017

Substitute the following for H.B. No. 3017:

By: Ortega

C.S.H.B. No. 3017

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for conducting a pelvic examination;  
authorizing disciplinary action.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is  
amended by adding Chapter 167A to read as follows:

CHAPTER 167A. PELVIC EXAMINATIONS

Sec. 167A.001. CERTAIN PELVIC EXAMINATIONS PROHIBITED. A  
health care practitioner, including a physician, physician  
assistant, or advanced practice registered nurse, who is licensed  
to practice in this state may not perform, or instruct any other  
person to perform, a pelvic examination on a patient unless:

(1) the patient or the patient's legally authorized  
representative provides informed consent for the pelvic  
examination;

(2) the pelvic examination meets the standard of care  
for diagnosing or treating the patient's medical condition; or

(3) if the patient is unconscious, the pelvic  
examination is required for diagnosis or treatment of the patient's  
medical condition.

Sec. 167A.002. DISCIPLINARY ACTION. A health care  
practitioner who violates Section 167A.001 is subject to  
disciplinary action by the state regulatory agency that issued a  
license to the practitioner, including the imposition of an

1 administrative penalty.

2 SECTION 2. Section 164.052(a), Occupations Code, is amended  
3 to read as follows:

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

6 (1) submits to the board a false or misleading  
7 statement, document, or certificate in an application for a  
8 license;

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

11 (3) commits fraud or deception in taking or passing an  
12 examination;

13 (4) uses alcohol or drugs in an intemperate manner  
14 that, in the board's opinion, could endanger a patient's life;

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

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

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

23 (8) purchases, sells, barters, or uses, or offers to  
24 purchase, sell, barter, or use, a medical degree, license,  
25 certificate, or diploma, or a transcript of a license, certificate,  
26 or diploma in or incident to an application to the board for a  
27 license to practice medicine;

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

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

7                   (A) fraudulently purchased or issued;

8                   (B) counterfeited; or

9                   (C) materially altered;

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

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

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

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

21          (15) associates in the practice of medicine with a  
22 person:

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

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

27          (16) performs or procures a criminal abortion, aids or

1 abets in the procuring of a criminal abortion, attempts to perform  
2 or procure a criminal abortion, or attempts to aid or abet the  
3 performance or procurement of a criminal abortion;

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

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

10 (A) the abortion is necessary to prevent the  
11 death of the woman;

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

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

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

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

25 (21) performs or induces or attempts to perform or  
26 induce an abortion in violation of Subchapter C, F, or G, Chapter  
27 171, Health and Safety Code; or

1           (22) performs a pelvic examination in violation of  
2 Section 167A.001, Health and Safety Code.

3           SECTION 3. The changes in law made by this Act apply only to  
4 a pelvic examination performed on or after the effective date of  
5 this Act. A pelvic examination performed before the effective date  
6 of this Act is governed by the law in effect when the pelvic  
7 examination occurred, and the former law is continued in effect for  
8 that purpose.

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