

By: Ramos

H.B. No. 3017

A BILL TO BE ENTITLED

AN ACT

relating to nonconsensual pelvic examinations; 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. NONCONSENSUAL PELVIC EXAMINATIONS

Sec. 167A.001. NONCONSENSUAL 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 nonconsensual pelvic examination on a patient unless the practitioner has a legitimate medical reason for conducting the examination.

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 administrative penalty.

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

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

(1) submits to the board a false or misleading

1 statement, document, or certificate in an application for a
2 license;

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

5 (3) commits fraud or deception in taking or passing an
6 examination;

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

9 (5) commits unprofessional or dishonorable conduct
10 that is likely to deceive or defraud the public, as provided by
11 Section [164.053](#), or injure the public;

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

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

17 (8) purchases, sells, barters, or uses, or offers to
18 purchase, sell, barter, or use, a medical degree, license,
19 certificate, or diploma, or a transcript of a license, certificate,
20 or diploma in or incident to an application to the board for a
21 license to practice medicine;

22 (9) alters, with fraudulent intent, a medical license,
23 certificate, or diploma, or a transcript of a medical license,
24 certificate, or diploma;

25 (10) uses a medical license, certificate, or diploma,
26 or a transcript of a medical license, certificate, or diploma that
27 has been:

1 (A) fraudulently purchased or issued;

2 (B) counterfeited; or

3 (C) materially altered;

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

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

9 (13) impersonates a physician or permits another to
10 use the person's license or certificate to practice medicine in
11 this state;

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

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

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

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

21 (16) performs or procures a criminal abortion, aids or
22 abets in the procuring of a criminal abortion, attempts to perform
23 or procure a criminal abortion, or attempts to aid or abet the
24 performance or procurement of a criminal abortion;

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

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

4 (A) the abortion is necessary to prevent the
5 death of the woman;

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

8 (C) the woman is diagnosed with a significant
9 likelihood of suffering imminent severe, irreversible brain damage
10 or imminent severe, irreversible paralysis;

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

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

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

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

24 SECTION 3. The changes in law made by this Act apply only to
25 a nonconsensual pelvic examination performed on or after the
26 effective date of this Act. A nonconsensual pelvic examination
27 performed before the effective date of this Act is governed by the

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1 law in effect when the nonconsensual pelvic examination occurred,
2 and the former law is continued in effect for that purpose.

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