

By: Raymond

H.B. No. 3150

A BILL TO BE ENTITLED

AN ACT

1
2 relating to regulation of hyperbaric medical treatment at a
3 physician's office; requiring an occupational certificate;
4 authorizing a fee.

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

6 SECTION 1. Subtitle G, Title 2, Health and Safety Code, is
7 amended by adding Chapter 147 to read as follows:

8 CHAPTER 147. HYPERBARIC MEDICAL TREATMENT

9 Sec. 147.0001. DEFINITION. In this chapter, "hyperbaric
10 medical treatment" means treatment for a medical condition using a
11 hyperbaric chamber or hyperbaric oxygen device approved by the
12 United States Food and Drug Administration.

13 Sec. 147.0002. APPLICABILITY OF CHAPTER. (a) This chapter
14 applies only to hyperbaric medical treatment provided at an office
15 of a physician licensed to practice medicine in this state.

16 (b) This chapter does not apply to hyperbaric medical
17 treatment provided at a health care facility other than a
18 physician's office.

19 Sec. 147.0003. CERTIFICATE REQUIRED. A person may not
20 operate a physician's office that provides or offers to provide
21 hyperbaric medical treatment unless the person holds a certificate
22 of registration issued under this chapter.

23 Sec. 147.0004. CERTIFICATE APPLICATION AND ISSUANCE; FEE.
24 (a) A person may submit to the commission in the form and manner

1 prescribed by commission rule an application for a certificate of
2 registration to provide hyperbaric medical treatment under this
3 chapter.

4 (b) The executive commissioner by rule shall set an
5 application fee in an amount necessary to cover the commission's
6 costs in administering this chapter.

7 (c) The commission shall issue a certificate of
8 registration under this chapter to a person who submits a completed
9 application under Subsection (a) and the fee required under
10 Subsection (b) and complies with this chapter and rules adopted
11 under this chapter.

12 Sec. 147.0005. REGULATION OF TREATMENT. (a) The executive
13 commissioner by rule shall prescribe minimum standards for
14 hyperbaric medical treatment to ensure:

15 (1) the safety of patients; and

16 (2) that only eligible patients receive treatment.

17 (b) The minimum standards described by Subsection (a) must
18 include:

19 (1) standards for the site of hyperbaric medical
20 treatment; and

21 (2) personnel requirements, including training,
22 credentialing, and competency requirements.

23 Sec. 147.0006. INSPECTION. (a) The commission and
24 appropriate fire marshals may conduct an inspection of a
25 certificate holder to determine compliance with this chapter and
26 rules adopted under this chapter.

27 (b) In a commission inspection, the commission shall

1 inspect the certificate holder's installation of oxygen used in
2 hyperbaric medical treatment.

3 Sec. 147.0007. ENFORCEMENT. A person who violates this
4 chapter is subject to disciplinary action by the commission or the
5 Texas Medical Board, as appropriate.

6 Sec. 147.0008. RULES. The executive commissioner and the
7 Texas Medical Board shall adopt the rules necessary to implement
8 and enforce this chapter.

9 SECTION 2. (a) Not later than January 1, 2020, the
10 executive commissioner of the Health and Human Services Commission
11 and the Texas Medical Board shall adopt rules necessary to
12 implement Chapter 147, Health and Safety Code, as added by this Act.

13 (b) A person is not required to comply with Chapter 147,
14 Health and Safety Code, as added by this Act, until January 1, 2020.

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