

By: Sheffield

H.B. No. 4312

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the prohibition of a physician's authority to delegate  
3 certain radiologic procedures that constitute the practice of  
4 medicine.

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

6 SECTION 1. The heading to Section 157.001, Occupations  
7 Code, is amended to read as follows:

8 Sec. 157.001. GENERAL AUTHORITY OF PHYSICIAN TO DELEGATE;  
9 EXCEPTIONS.

10 SECTION 2. Section 157.001, Occupations Code, is amended by  
11 amending Subsections (a) and (c) and adding Subsection (d) to read  
12 as follows:

13 (a) Except as provided by Subsection (d), a [A] physician  
14 may delegate to a qualified and properly trained person acting  
15 under the physician's supervision any medical act that a reasonable  
16 and prudent physician would find within the scope of sound medical  
17 judgment to delegate if, in the opinion of the delegating  
18 physician:

19 (1) the act:

20 (A) can be properly and safely performed by the  
21 person to whom the medical act is delegated;

22 (B) is performed in its customary manner; and

23 (C) is not in violation of any other statute; and

24 (2) the person to whom the delegation is made does not

1 represent to the public that the person is authorized to practice  
2 medicine.

3 (c) Except as provided by Subsection (d), the [The] board  
4 may determine whether:

5 (1) an act constitutes the practice of medicine, not  
6 inconsistent with this chapter; and

7 (2) a medical act may be properly or safely delegated  
8 by physicians.

9 (d) The following acts constitute the practice of medicine  
10 and may not be delegated by a physician:

11 (1) reading or interpreting a radiological study; and

12 (2) rendering a diagnosis based on a radiological  
13 study.

14 SECTION 3. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2019.