

By: Menéndez

S.B. No. 1533

A BILL TO BE ENTITLED

AN ACT

relating to the delegation by a podiatrist of certain acts to certain podiatric assistants; authorizing fees.

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

SECTION 1. Subchapter H, Chapter 202, Occupations Code, is amended by adding Section 202.354 to read as follows:

Sec. 202.354. DELEGATION OF CERTAIN ACTS. (a) A podiatrist may delegate to a qualified and properly trained podiatric medical assistant acting under the podiatrist's supervision any podiatric medical act that a reasonable and prudent podiatrist would find within the scope of sound medical judgment to delegate if:

(1) in the opinion of the delegating podiatrist, the medical act:

(A) can be properly and safely performed by the podiatric medical assistant to whom the podiatric medical act is delegated; and

(B) is performed in a customary manner and not in violation of any other statute; and

(2) the podiatric medical assistant to whom the podiatric medical act is delegated does not represent to the public that the medical assistant is authorized to practice podiatry.

(b) A delegating podiatrist is responsible for a podiatric medical act performed by the podiatric medical assistant to whom the podiatrist delegates the act.

1 SECTION 2. Subchapter D, Chapter 601, Occupations Code, is
2 amended by adding Section 601.157 to read as follows:

3 Sec. 601.157. PERSON SUPERVISED BY PODIATRIST. A person is
4 not required to hold a certificate issued under this chapter to
5 perform a radiologic procedure if:

6 (1) the procedure is performed under the supervision
7 of a podiatrist; and

8 (2) the person:

9 (A) is registered with the Texas Department of
10 Licensing and Regulation to assist a podiatrist; and

11 (B) complies with rules adopted under Section
12 601.252(e).

13 SECTION 3. Section 601.251, Occupations Code, is amended to
14 read as follows:

15 Sec. 601.251. APPLICABILITY. This subchapter applies to
16 the:

17 (1) Texas Board of Nursing;

18 (2) Texas Board of Chiropractic Examiners;

19 (3) State Board of Dental Examiners;

20 (4) Texas Medical Board;

21 (5) Texas Department of Licensing and Regulation, with
22 respect to the department's authority to regulate podiatrists
23 [~~State Board of Podiatric Medical Examiners~~]; and

24 (6) Texas Physician Assistant Board.

25 SECTION 4. Section 601.252, Occupations Code, is amended by
26 adding Subsections (e) and (f) to read as follows:

27 (e) Rules adopted under this section by the Texas Commission

1 of Licensing and Regulation must:

2 (1) require an authorized person who performs
3 radiologic procedures under the delegation of a podiatrist, other
4 than a registered nurse, to register with the Texas Department of
5 Licensing and Regulation;

6 (2) establish reasonable and necessary fees to cover
7 the administrative costs incurred by the Texas Department of
8 Licensing and Regulation in administering a registration program
9 created under this subsection;

10 (3) establish grounds for the suspension, revocation,
11 or nonrenewal of a registration issued under this subsection; and

12 (4) establish standards, in addition to those required
13 by this chapter, for training and supervising the operators of the
14 equipment.

15 (f) In adopting rules under Subsection (e), the Texas
16 Commission of Licensing and Regulation may take into account
17 whether the radiologic procedure will be performed by a registered
18 nurse.

19 SECTION 5. To the extent of any conflict, this Act prevails
20 over another Act of the 86th Legislature, Regular Session, 2019,
21 relating to nonsubstantive additions to and corrections in enacted
22 codes.

23 SECTION 6. This Act takes effect September 1, 2019.