

BILL ANALYSIS

C.S.H.B. 1340
By: Frank
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas has a shortage of physicians and nurses, especially in rural areas. Retaining veteran physicians and nurses who served on active duty in Texas and allowing them to continue to practice in underserved communities will increase access to care in those communities. Federal law exempts active duty medical personnel from state occupational licensing requirements. However, those exemptions lapse once a provider leaves active duty military service. Some veteran physicians and nurses who served in Texas would have liked to remain in Texas after their active service ended but often left due to the burdens of obtaining a Texas license. C.S.H.B. 1340 seeks to address this issue by requiring the issuance of a license to practice medicine and a license to practice nursing in a health professional shortage area or a medically underserved community to certain U.S. armed forces veteran applicants.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1340 amends the Occupations Code to require the Texas Medical Board (TMB) and the Texas Board of Nursing to issue a license to practice medicine and a license to practice nursing, respectively, in a health professional shortage area or a medically underserved community to an applicant who:

- is licensed in good standing as a physician or nurse, as applicable, in another state;
- is a U.S. armed forces veteran who retired from or otherwise left military service not more than one year before the application date for such a license;
- was, at the time of retiring from or leaving military service, serving on active duty in Texas and authorized as a physician or nurse to treat persons enlisted in the U.S. armed forces or veterans; and
- has passed the Texas medical jurisprudence examination or the jurisprudence examination, as applicable.

The bill prohibits the TMB and the Texas Board of Nursing from issuing a license to an applicant who:

- holds a medical or nursing license or a license to prescribe, dispense, administer, supply, or sell a controlled substance that is currently under active investigation or is or was subject to a disciplinary order or action or to denial by another jurisdiction;
- was discharged or separated from the U.S. armed forces on the basis of substandard conduct or for any act of misconduct or moral or professorial dereliction; or

- has been convicted of, is on deferred adjudication community supervision or deferred disposition for, or is under active investigation for the commission of a felony or a misdemeanor involving moral turpitude.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1340 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced established that an applicant for a license to practice medicine or a license to practice nursing under the bill's provisions is not required to have passed the Texas medical jurisprudence examination or jurisprudence examination, as applicable, the substitute requires the applicant to have passed the applicable examination.