

BILL ANALYSIS

C.S.H.B. 3903
By: Ortega
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Before a court orders psychiatric intervention, state law requires that there be on file two certificates of medical examination prepared by different physicians, one of whom must be a "psychiatrist." Although the term "psychiatrist" is undefined in the Texas Mental Health Code, the term generally means a physician who practices or focuses on psychiatry. Within the medical trade, the term "psychiatrist" encompasses postgraduate psychiatric residents on track to become board certified, because they are, by definition, licensed physicians practicing psychiatry. Recently, however, the 8th Court of Appeals held otherwise, stating residents cannot be psychiatrists. This ruling greatly diminished the already-low number of psychiatrists available in El Paso County, an underserved community that relies heavily on post-graduate residents to make up for the shortage and provide services to those in need. C.S.H.B. 3903 seeks to address this issue by defining "psychiatrist" and including in this definition a physician who is enrolled in a board certified program and is under the supervision of a psychiatrist who is board certified or eligible for certification.

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. 3903 amends the Health and Safety Code to define "psychiatrist" for purposes of the Texas Mental Health Code as a physician who is:

- certified by the American Board of Psychiatry and Neurology (ABPN);
- eligible for ABPN certification as a psychiatrist; or
- enrolled in an ABPN certification training program and is under the supervisions of a psychiatrist who is ABPN certified or eligible for certification.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3903 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.

Both the introduced and the substitute define "psychiatrist" as a physician who is certified by the ABPN or eligible for board certification as a psychiatrist; however, the introduced specifies that this physician is a licensed physician, which the substitute does not specify. The substitute also includes in the definition of "psychiatrist" a physician who is enrolled in a board certification training program and is under the supervision of a psychiatrist who is board certified or eligible for certification, whereas the introduced did not include such physicians in its definition of "psychiatrist."