By:  Oliverson, et al. (Senate Sponsor - Schwertner) H.B. No. 2556

(In the Senate - Received from the House April 19, 2023; April 20, 2023, read first time and referred to Committee on Health & Human Services; May 21, 2023, reported favorably by the following vote: Yeas 9, Nays 0; May 21, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Hall              X

Hancock           X

Hughes            X

LaMantia          X

Miles             X

Sparks            X

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of physician graduates and the authority of an insured to select a physician graduate under the insured's health insurance policy; requiring an occupational license; authorizing fees.

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

SECTION 1.  Chapter 155, Occupations Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. PHYSICIAN GRADUATE

Sec. 155.201.  DEFINITIONS. In this subchapter:

(1)  "Physician graduate" means an individual issued a limited license under this subchapter to practice medicine under a supervising practice agreement with a sponsoring physician.

(2)  "Sponsoring physician" means a physician who enters into a supervising practice agreement with a physician graduate.

(3)  "Supervising practice agreement" means an agreement between a sponsoring physician and a physician graduate regarding the supervision by the sponsoring physician of the physician graduate's practice of medicine.

Sec. 155.202.  RULES. The board shall adopt rules in accordance with this subchapter relating to the licensing and regulation of physician graduates, including rules relating to:

(1)  procedures and fees for the issuance, term, and renewal of a license under this subchapter, including continuing medical education requirements for renewal of the license;

(2)  practices and requirements for the supervision of physician graduates; and

(3)  any other matter necessary to ensure protection of the public, including disciplinary procedures.

Sec. 155.203.  LICENSE ISSUANCE. On application, the board shall issue a limited license to practice medicine under this subchapter to an applicant who:

(1)  is a resident of this state and is:

(A)  a United States citizen or a legal permanent resident; or

(B)  otherwise authorized under federal law to work in the United States;

(2)  has proficiency in the English language;

(3)  has graduated:

(A)  in the two years preceding the date that the applicant initially applies for a physician graduate license, from:

(i)  a board-recognized accredited medical school or osteopathic medical school in the United States or Canada; or

(ii)  a medical school located outside of the United States and Canada that is recognized by the board as acceptable; or

(B)  if the applicant is licensed in good standing to practice medicine in another country, from a medical school located outside of the United States and Canada that is recognized by the board as acceptable;

(4)  has passed the first and second components of the United States Medical Licensing Examination or equivalent components of another board-approved licensing examination described by Section 155.0511;

(5)  is not enrolled in a board-approved postgraduate residency program; and

(6)  meets any other requirement prescribed by board rule.

Sec. 155.204.  FEES. The amount of a fee for the issuance or renewal of a license under this subchapter may not exceed the amount of a fee for the issuance or renewal of a physician assistant license under Chapter 204.

Sec. 155.205.  SPONSORING PHYSICIAN. (a) A physician is eligible to enter into a supervising practice agreement as a sponsoring physician if the physician:

(1)  holds a full and unrestricted license to practice medicine issued under this subtitle;

(2)  has not been and is not currently the subject of disciplinary action by the board or the medical licensing authority of any other jurisdiction;

(3)  is certified by a medical specialty member board of:

(A)  the American Board of Medical Specialties; or

(B)  the American Osteopathic Association Bureau of Osteopathic Specialists; and

(4)  practices medicine in the specialty for which the physician is certified under Subdivision (3).

(b)  A sponsoring physician who enters into a supervising practice agreement with a physician graduate shall comply with all board rules related to the supervision of physician graduates.

(c)  The board by rule shall establish the maximum number of physician graduates that a sponsoring physician may supervise under supervising practice agreements.

Sec. 155.206.  SUPERVISING PRACTICE AGREEMENT REQUIRED. (a) A physician graduate shall enter into a supervising practice agreement with a sponsoring physician.

(b)  A physician graduate who has not entered into a supervising practice agreement may not practice or attempt to practice medicine.

(c)  A physician graduate who enters into a supervising practice agreement may practice under the delegation and supervision of another physician if:

(1)  the sponsoring physician authorizes the practice of the physician graduate under the delegation and supervision of the other physician in a written document that identifies the other physician by name; and

(2)  the other physician is:

(A)  part of the sponsoring physician's physician group or facility; and

(B)  certified in the same specialty as the sponsoring physician by a medical specialty member board of:

(i)  the American Board of Medical Specialties; or

(ii)  the American Osteopathic Association Bureau of Osteopathic Specialists.

(d)  The physician profile under Section 154.006 of a sponsoring physician or physician graduate must indicate in the manner prescribed by board rule that the sponsoring physician or physician graduate has entered into a supervising practice agreement.

Sec. 155.207.  LIMITED PRACTICE BY LICENSE HOLDER. (a) A physician graduate may provide only medical services in the specialty in which the physician graduate's sponsoring physician is certified as described by Section 155.205(a)(3) under supervision in accordance with a supervising practice agreement.

(b)  Before a license holder under this subchapter provides a treatment, consultation, or other medical service, the license holder must disclose to the patient:

(1)  that the license holder is a physician graduate; and

(2)  if asked, that the license holder has not completed any formal specialized postgraduate or resident training.

(c)  A physician graduate may not prescribe a Schedule II controlled substance.

Sec. 155.208.  LIABILITY OF SUPERVISING PHYSICIAN. A sponsoring physician who enters into a supervising practice agreement with a physician graduate is responsible at all times for the oversight of and is liable for any medical act performed or the omission of any medical act by the physician graduate in the provision of medical services.

Sec. 155.209.  IDENTIFICATION REQUIREMENTS; USE OF TITLE. (a) The holder of a license issued under this subchapter shall at all times while practicing as a physician graduate display a personal identification document identifying the license holder as a physician graduate.

(b)  A physician graduate may use the following titles or abbreviations:

(1)  "doctor"; or

(2)  "Dr." or "doc."

Sec. 155.210.  STATUS OF PHYSICIAN GRADUATE. A physician graduate license holder is considered a general practitioner for purposes of regulations of the federal Centers for Medicare and Medicaid Services.

Sec. 155.211.  LICENSE RENEWAL. The board may not renew a license issued under this subchapter unless:

(1)  the board verifies that the license holder has practiced in accordance with this subchapter under a supervising practice agreement with a sponsoring physician in the license term preceding the application for renewal; and

(2)  the license holder satisfies the continuing medical education requirements established by board rule.

Sec. 155.212.  DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. The board may deny an application for licensure or suspend or revoke a license issued under this subchapter:

(1)  for any ground provided by Chapter 164 or board rule; and

(2)  in the manner provided by Chapter 164 and board rule.

SECTION 2.  Section 1451.001, Insurance Code, is amended by adding Subdivision (16-a) to read as follows:

(16-a) "Physician graduate" has the meaning assigned by Section 155.201, Occupations Code.

SECTION 3.  Subchapter C, Chapter 1451, Insurance Code, is amended by adding Section 1451.129 to read as follows:

Sec. 1451.129.  SELECTION OF PHYSICIAN GRADUATE. An insured may select a physician graduate to provide the services scheduled in the health insurance policy that are within the scope of the physician graduate's license under Subchapter E, Chapter 155, Occupations Code.

SECTION 4.  Not later than January 1, 2024, the Texas Medical Board shall adopt rules as necessary to implement Subchapter E, Chapter 155, Occupations Code, as added by this Act.

SECTION 5.  Section 1451.129, Insurance Code, as added by this Act, applies only to a health insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2024.

SECTION 6.  This Act takes effect September 1, 2023.

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