

By: Harrison

H.B. No. 776

A BILL TO BE ENTITLED

AN ACT

relating to prohibited practices by physicians.

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

SECTION 1. Section 164.052 (a), Occupations Code, is amended to read as follows:

Sec. 164.052. PROHIBITED PRACTICES BY PHYSICIAN OR LICENSE APPLICANT. (a) A physician or an applicant for a license to practice medicine commits a prohibited practice if that person:

(1) submits to the board a false or misleading statement, document, or certificate in an application for a license;

(2) presents to the board a license, certificate, or diploma that was illegally or fraudulently obtained;

(3) commits fraud or deception in taking or passing an examination;

(4) uses alcohol or drugs in an intemperate manner that, in the board's opinion, could endanger a patient's life;

(5) commits unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public;

(6) uses an advertising statement that is false, misleading, or deceptive;

(7) advertises professional superiority or the performance of professional service in a superior manner if that

1 advertising is not readily subject to verification;

2 (8) purchases, sells, barters, or uses, or offers to
3 purchase, sell, barter, or use, a medical degree, license,
4 certificate, or diploma, or a transcript of a license, certificate,
5 or diploma in or incident to an application to the board for a
6 license to practice medicine;

7 (9) alters, with fraudulent intent, a medical license,
8 certificate, or diploma, or a transcript of a medical license,
9 certificate, or diploma;

10 (10) uses a medical license, certificate, or diploma,
11 or a transcript of a medical license, certificate, or diploma that
12 has been:

13 (A) fraudulently purchased or issued;

14 (B) counterfeited; or

15 (C) materially altered;

16 (11) impersonates or acts as proxy for another person
17 in an examination required by this subtitle for a medical license;

18 (12) engages in conduct that subverts or attempts to
19 subvert an examination process required by this subtitle for a
20 medical license;

21 (13) impersonates a physician or permits another to
22 use the person's license or certificate to practice medicine in
23 this state;

24 (14) directly or indirectly employs a person whose
25 license to practice medicine has been suspended, canceled, or
26 revoked;

27 (15) associates in the practice of medicine with a

1 person:

2 (A) whose license to practice medicine has been
3 suspended, canceled, or revoked; or

4 (B) who has been convicted of the unlawful
5 practice of medicine in this state or elsewhere;

6 (16) performs or procures a criminal abortion, aids or
7 abets in the procuring of a criminal abortion, attempts to perform
8 or procure a criminal abortion, or attempts to aid or abet the
9 performance or procurement of a criminal abortion;

10 (17) directly or indirectly aids or abets the practice
11 of medicine by a person, partnership, association, or corporation
12 that is not licensed to practice medicine by the board;

13 (18) performs an abortion on a woman who is pregnant
14 with a viable unborn child during the third trimester of the
15 pregnancy unless:

16 (A) the abortion is necessary to prevent the
17 death of the woman;

18 (B) the viable unborn child has a severe,
19 irreversible brain impairment; or

20 (C) the woman is diagnosed with a significant
21 likelihood of suffering imminent severe, irreversible brain damage
22 or imminent severe, irreversible paralysis;

23 (19) performs an abortion on an unemancipated minor
24 without the written consent of the child's parent, managing
25 conservator, or legal guardian or without a court order, as
26 provided by Section 33.003 or 33.004, Family Code, unless the
27 abortion is necessary due to a medical emergency, as defined by

Section 171.002, Health and Safety Code;

(20) otherwise performs an abortion on an unemancipated minor in violation of Chapter 33, Family Code;

(21) performs or induces or attempts to perform or induce an abortion in violation of Subchapter C, F, or G, Chapter 171, Health and Safety Code;

(22) in complying with the procedures outlined in Sections 166.045 and 166.046, Health and Safety Code, wilfully fails to make a reasonable effort to transfer a patient to a physician who is willing to comply with a directive; or

(23) performs or delegates to another individual the performance of a pelvic examination on an anesthetized or unconscious patient in violation of Section 167A.002, Health and Safety Code.

(24) performs the following therapies and procedures for the treatment of gender dysphoria in minors:

(a) Sex reassignment surgeries, or any other surgical procedures, that alter primary or secondary sexual characteristics; or

(b) Puberty blocking, hormone, and hormone antagonist therapies, except minors being treated with puberty blocking, hormone, or hormone antagonist therapies prior to the effective date of this subsection may continue with such therapies.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2023.