

By: Johnson of Dallas

H.B. No. 1998

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of physicians and the disciplinary authority of the Texas Medical Board.

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

SECTION 1. Section 154.006, Occupations Code, is amended by adding Subsection (m) to read as follows:

(m) At least once each month, the board shall search the National Practitioner Data Bank and update a physician's profile to include any new report of disciplinary action against the physician.

SECTION 2. Section 160.002, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A medical peer review committee or health care entity shall report in writing to the National Practitioner Data Bank the results and circumstances of a medical peer review that adversely affects the clinical privileges of a physician for not more than 30 days.

SECTION 3. Section 164.051, Occupations Code, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows:

(a) The board may refuse to admit a person to its examination or refuse to issue a license to practice medicine and may take disciplinary action against a person if the person:

(1) commits an act prohibited under Section 164.052;

1           (2) is convicted of, or is placed on deferred  
2 adjudication community supervision or deferred disposition for:

3                   (A) a felony; or

4                   (B) a misdemeanor involving moral turpitude;

5           (3) commits or attempts to commit a direct or indirect  
6 violation of a rule adopted under this subtitle, either as a  
7 principal, accessory, or accomplice;

8           (4) is unable to practice medicine with reasonable  
9 skill and safety to patients because of:

10                   (A) illness;

11                   (B) drunkenness;

12                   (C) excessive use of drugs, narcotics,  
13 chemicals, or another substance; or

14                   (D) a mental or physical condition;

15           (5) is found by a court judgment to be of unsound mind;

16           (6) fails to practice medicine in an acceptable  
17 professional manner consistent with public health and welfare;

18           (7) is removed, suspended, or is subject to  
19 disciplinary action taken by the person's peers in a local,  
20 regional, state, or national professional medical association or  
21 society, or is disciplined by a licensed hospital or medical staff  
22 of a hospital, including removal, suspension, limitation of  
23 hospital privileges, or other disciplinary action, if the board  
24 finds that the action:

25                   (A) was based on unprofessional conduct or  
26 professional incompetence that was likely to harm the public; and

27                   (B) was appropriate and reasonably supported by

1 evidence submitted to the board;

2 (8) is subject to repeated or recurring meritorious  
3 health care liability claims that in the board's opinion evidence  
4 professional incompetence likely to injure the public; or

5 (9) except as provided by Subsections [~~Subsection~~] (d)  
6 and (e), holds a license to practice medicine subject to  
7 disciplinary action by another state, or subject to disciplinary  
8 action by the uniformed services of the United States, based on acts  
9 by the person that are prohibited under Section 164.052 or are  
10 similar to acts described by this subsection.

11 (d) The board shall refuse to issue a license under this  
12 subtitle if the applicant held a license to practice medicine in  
13 another state that has been revoked by the licensing authority in  
14 that state.

15 (e) The board shall revoke a license issued under this  
16 subtitle if the license holder, while holding the license under  
17 this subtitle, held a license to practice medicine in another state  
18 that has been revoked by the licensing authority in that state.

19 SECTION 4. This Act takes effect September 1, 2023.