

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2480
By: Campbell
Health & Human Services
4/23/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 88th Texas Legislature, Regular Session, 2023, passed H.B. 1998, which reorganized the funding mechanism for the Texas Physician Health Program (TxPHP) from a participation fee to a surcharge on license renewals. TxPHP provides confidential early intervention, assessment, treatment referral, and post-treatment monitoring for health professionals under the Texas Medical Board's (TMB) jurisdiction who may be unable to practice safely due to an impairing or potentially impairing health condition. The program's participants include physicians, physician assistants, surgical assistants, perfusionists, medical students, and other license holders governed by TMB. Since all TMB licensees—not just physicians—are participating in this program, the intent of H.B. 1998 was for this surcharge to apply to all licensees.

However, the Legislative Budget Board has informed TMB that the language of H.B. 1998 only allows the collection of license renewal surcharges from physicians and physician assistants. Yet the program remains available to all license holders. S.B. 2480 would rectify this issue by explicitly permitting TMB to collect license renewal surcharge fees for TxPHP and for continuous query on the National Practitioner Data Bank from all TMB licensees, as initially intended.

Key Provisions:

1. Amends Subchapter B, Chapter 153 of the Occupational Code, authorizing TMB to collect surcharges on all licensees regulated by the board to administer the Texas Physician Health Program.
2. Authorizes TMB to collect a surcharge on license renewals for each license holder to cover the cost of administering a continuous query on the National Practitioner Data Bank.

Committee Substitute:

Texas Legislative Council version of the introduced text.

C.S.S.B. 2480 amends current law relating to the Texas Physician Health program and the regulation of certain occupations by the Texas Medical Board and expands the applicability of surcharges.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Medical Board in SECTION 8 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 153, Occupations Code, by adding Section 153.017, as follows:

Sec. 153.017. CONTINUOUS QUERIES OF NATIONAL PRACTITIONER DATA BANK FOR ALL OCCUPATIONS REGULATED BY BOARD. (a) Defines "license."

(b) Requires the Texas Medical Board (TMB) to run a continuous query on the National Practitioner Data Bank with respect to each individual who holds a

license and for whom the National Practitioner Data Bank contains relevant information.

SECTION 2. Amends Section 153.051(d), Occupations Code, as follows:

(d) Prohibits TMB from setting, charging, collecting, receiving, or depositing certain fees in excess of certain amounts, including \$15 for a surcharge under Section 167.014 to administer the Texas Physician Health Program (TxPHP). Deletes existing text prohibiting TMB from setting, charging, collecting, receiving, or depositing certain amounts, including \$15 for a surcharge under Section 153.053 (Surcharge to Administer Texas Physician Health Program) to administer TxPHP, due at the time of license issuance and registration permit renewal.

SECTION 3. Amends Section 153.055, Occupations Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Defines "license."

(a-1) Creates this subsection from existing text. Requires TMB to set and collect an additional surcharge to cover the cost of administering a continuous query on the National Practitioner Data Bank as required by Section 153.017, rather than Section 154.006(m). Requires that the surcharge be collected from each individual who holds a license, rather than each license holder, for issuance of a first registration permit under Subtitle B (Physicians), renewal of a registration permit under this subtitle, and issuance or renewal of a license. Makes a nonsubstantive change.

SECTION 4. Amends Section 154.006(m), Occupations Code, as follows:

(m) Requires TMB, not later than the 10th working day after the date TMB finds any new information resulting from a query on the National Practitioner Data Bank under Section 153.017 with respect to a physician, to update a physician's profile to update certain information. Deletes existing text requiring TMB to run a continuous query on the National Practitioner Data Bank and, not later than the 10th working day after the date any new information is found, update a physician's profile to update certain information.

SECTION 5. Amends Section 167.001(6), Occupations Code, to redefine "program participant."

SECTION 6. Amends Chapter 167, Occupations Code, by adding Section 167.0015, as follows:

Sec. 167.0015. APPLICABILITY; MANNER OF PARTICIPATION. (a) Provides that, notwithstanding any other provision of Chapter 167 (Texas Physician Health Program):

(1) TxPHP is a confidential, nondisciplinary therapeutic program for any individual who holds a license, certificate, registration, permit, or other authorization issued by TMB allowing the individual to engage in an occupation regulated by TMB; and

(2) TxPHP is required to accept a self-referral from an individual described by Subdivision (1).

(b) Authorizes TMB or an appropriate advisory board or committee, notwithstanding any other provision of this chapter, other than Sections 167.009 (Referral by Board or Physician Assistant Board as Prerequisite for Issuing or Maintaining a License) and 167.0091 (Referrals for Certain Professions), to make a referral to TxPHP and require participation in TxPHP as a prerequisite for issuing or maintaining a license, certificate, registration, permit, or other authorization issued by TMB allowing the individual to engage in an occupation regulated by TMB.

SECTION 7. Redesignates Section 153.053, Occupations Code, as Section 167.014, Occupations Code, and amends it, as follows:

Sec. 167.014. SURCHARGE TO ADMINISTER TEXAS PHYSICIAN HEALTH PROGRAM. (a) Requires TMB to collect an additional surcharge not to exceed \$15 for each of the following fees:

- (1) first license, certificate, registration, permit, or other form of authorization allowing an individual to engage in an occupation regulated by TMB; and
- (2) renewal of a form of authorization described by Subdivision (1), rather than renewal of a registration permit.

(b) Makes a nonsubstantive change to this subsection.

SECTION 8. (a) Requires TMB, not later than December 1, 2025, to adopt rules to implement the changes in law made by this Act.

(b) Makes application of Section 153.055 (Surcharge for Certain Searches Related to License Status), Occupations Code, as amended by this Act, and Section 167.014, Occupations Code, as redesignated and amended by this Act, prospective to December 1, 2025.

SECTION 9. Effective date: September 1, 2025.