

By: Oliverson

H.B. No. 2038

A BILL TO BE ENTITLED

AN ACT

relating to the issuance by the Texas Medical Board of certain licenses to practice medicine and the authority of an insured to select certain license holders under the insured's health policy; requiring an occupational license; authorizing fees.

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

ARTICLE 1. SHORT TITLE

SECTION 1.001. This Act shall be known as the Decreasing Occupational Certification Timelines, Obstacles, and Regulations (DOCTOR) Act.

ARTICLE 2. FOREIGN LICENSE HOLDERS

SECTION 2.001. Subchapter C, Chapter 155, Occupations Code, is amended by adding Section 155.1015 to read as follows:

Sec. 155.1015. ISSUANCE OF PROVISIONAL LICENSE TO CERTAIN FOREIGN MEDICAL LICENSE HOLDERS WITH OFFERS OF EMPLOYMENT. (a) Upon receiving an application, the board shall issue a provisional license to practice medicine to an applicant who:

(1) has been granted a degree of doctor of medicine or a substantially similar degree by a program of medical education that meets eligibility requirements for the applicant to apply for certification by the Educational Commission for Foreign Medical Graduates;

(2) has been licensed in good standing to practice

1 medicine in another country in the five years preceding application
2 under this section and is not the subject of any pending
3 disciplinary action before the licensing body;

4 (3) either:

5 (A) has completed a residency or substantially
6 similar postgraduate medical training required by the applicant's
7 country of licensure and has practiced medicine as a licensed
8 physician in that country for at least five years after the
9 completion of the required postgraduate medical training; or

10 (B) if the applicant's country of licensure does
11 not require postgraduate medical training, has practiced as a
12 medical professional performing the duties of a physician in that
13 country for at least five years and has practiced medicine as a
14 licensed physician in that country for at least 10 years after
15 completing medical school;

16 (4) satisfies the examination requirements of Section
17 [155.051](#);

18 (5) has proficiency in the English language;

19 (6) is authorized under federal law to work in the
20 United States; and

21 (7) has been offered employment in this state as a
22 physician by a person who provides health care services in the
23 normal course of business, including a health system, hospital,
24 hospital-based facility, freestanding emergency facility, or
25 urgent care clinic.

26 (b) A provisional license issued under this section expires
27 on the earlier of:

1 (1) the date the board issues the provisional license
2 holder a license under this subtitle or denies the provisional
3 license holder's application for a license under Subsection (c); or

4 (2) the third anniversary of the date the provisional
5 license was issued.

6 (c) Upon receiving an application, the board shall issue a
7 license under this subtitle to the holder of a provisional license
8 under this section if the provisional license holder:

9 (1) will have practiced under the provisional license
10 for at least three years at the time the license will be issued; and

11 (2) has not been and is not currently subject to board
12 investigation or discipline for conduct that occurred while holding
13 the provisional license.

14 ARTICLE 3. MILITARY VETERANS

15 SECTION 3.001. Subchapter C, Chapter 155, Occupations Code,
16 is amended by adding Section 155.108 to read as follows:

17 Sec. 155.108. LICENSE FOR MILITARY VETERAN TO PRACTICE IN
18 CERTAIN AREAS. (a) In this section, "active duty" and "armed
19 forces of the United States" have the meanings assigned by Section
20 55.001.

21 (b) The board shall issue a medical license to practice
22 medicine to an applicant who:

23 (1) is licensed in good standing as a physician in
24 another state;

25 (2) is a veteran of the armed forces of the United
26 States who retired from or otherwise left military service not more
27 than three years before the application date for a license under

1 this section;

2 (3) was, at the time of retiring from or leaving
3 military service:

4 (A) serving on active duty in this state; and

5 (B) authorized as a physician to treat persons
6 enlisted in the armed forces of the United States or veterans; and

7 (4) has passed the Texas medical jurisprudence
8 examination.

9 (c) The board may not issue a license under this section to
10 an applicant who:

11 (1) was discharged or separated from the armed forces
12 of the United States:

13 (A) on the basis of substandard conduct; or

14 (B) for any act of misconduct or moral or
15 professional dereliction;

16 (2) holds a medical license or a license to prescribe,
17 dispense, administer, supply, or sell a controlled substance that:

18 (A) is currently under active investigation; or

19 (B) is or was subject to a disciplinary order or
20 action or to denial by another jurisdiction; or

21 (3) has been convicted of, is on deferred adjudication
22 community supervision or deferred disposition for, or is under
23 active investigation for the commission of:

24 (A) a felony; or

25 (B) a misdemeanor involving moral turpitude.

26 ARTICLE 4. PHYSICIAN GRADUATES

27 SECTION 4.001. Chapter 155, Occupations Code, is amended by

1 adding Subchapter E to read as follows:

2 SUBCHAPTER E. PHYSICIAN GRADUATE

3 Sec. 155.201. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

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

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

1 (A) a United States citizen or a legal permanent
2 resident; or
3 (B) otherwise authorized under federal law to
4 work in the United States;
5 (2) has proficiency in the English language;
6 (3) has graduated:
7 (A) in the two years preceding the date that the
8 applicant initially applies for a physician graduate license, from:
9 (i) a board-recognized accredited medical
10 school or osteopathic medical school in the United States or
11 Canada; or
12 (ii) a medical school located outside of
13 the United States and Canada that is recognized by the board as
14 acceptable; or
15 (B) if the applicant is licensed in good standing
16 to practice medicine in another country, from a medical school
17 located outside of the United States and Canada that is recognized
18 by the board as acceptable;
19 (4) has passed the first and second components of the
20 United States Medical Licensing Examination or equivalent
21 components of another board-approved licensing examination
22 described by Section [155.0511](#);
23 (5) is not enrolled in a board-approved postgraduate
24 residency program;
25 (6) has not been and is not currently the subject of
26 disciplinary action by the board or the medical licensing authority
27 of any other jurisdiction; and

1 (7) meets any other requirement prescribed by board
2 rule.

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

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

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

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

15 (3) is certified by:

16 (A) a medical specialty member board of the
17 American Board of Medical Specialties;

18 (B) a medical specialty member board of the
19 American Osteopathic Association Bureau of Osteopathic
20 Specialists;

21 (C) the American Board of Oral and Maxillofacial
22 Surgery; or

23 (D) any other medical specialty member board
24 recognized by the Texas Medical Board; and

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

27 (b) A sponsoring physician who enters into a supervising

1 practice agreement with a physician graduate shall comply with all
2 board rules related to the supervision of physician graduates.

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

6 Sec. 155.206. SUPERVISING PRACTICE AGREEMENT REQUIRED.

7 (a) A physician graduate shall enter into a supervising practice
8 agreement with a sponsoring physician.

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

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

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

19 (2) the other physician is:

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

22 (B) certified in the same specialty as the
23 sponsoring physician by:

24 (i) a medical specialty member board of the
25 American Board of Medical Specialties;

26 (ii) a medical specialty member board of
27 the American Osteopathic Association Bureau of Osteopathic

1 Specialists;

2 (iii) the American Board of Oral and
3 Maxillofacial Surgery; or

4 (iv) any other medical specialty member
5 board recognized by the Texas Medical Board.

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

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

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

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

21 (2) that the license holder has not completed any
22 formal specialized postgraduate or resident training.

23 Sec. 155.208. LIABILITY OF SUPERVISING PHYSICIAN. A
24 sponsoring physician who enters into a supervising practice
25 agreement with a physician graduate retains legal responsibility
26 for a physician graduate's patient care activities, including the
27 provision of care and treatment to a patient in a health care

1 facility.

2 Sec. 155.209. IDENTIFICATION REQUIREMENTS; USE OF TITLE.

3 (a) The holder of a license issued under this subchapter shall at
4 all times while practicing as a physician graduate display a
5 personal identification document identifying the license holder as
6 a physician graduate.

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

9 (1) "doctor"; or

10 (2) "Dr." or "doc."

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

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

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

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

23 Sec. 155.212. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

24 The board may deny an application for licensure or suspend or revoke
25 a license issued under this subchapter:

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

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

3 SECTION 4.002. Section 1451.001, Insurance Code, is amended
4 by adding Subdivision (16-a) to read as follows:

5 (16-a) "Physician graduate" has the meaning assigned
6 by Section 155.201, Occupations Code.

7 SECTION 4.003. Subchapter C, Chapter 1451, Insurance Code,
8 is amended by adding Section 1451.129 to read as follows:

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

14 SECTION 4.004. Section 1451.129, Insurance Code, as added
15 by this Act, applies only to a health insurance policy that is
16 delivered, issued for delivery, or renewed on or after January 1,
17 2026.

18 ARTICLE 5. RULEMAKING

19 SECTION 5.001. (a) Not later than January 1, 2026, the
20 Texas Medical Board shall adopt rules as necessary to implement the
21 following provisions of the Occupations Code, as added by this Act:

- 22 (1) Sections 155.1015 and 155.108; and
23 (2) Subchapter E, Chapter 155.

24 (b) In adopting rules under Subsection (a) of
25 this section, the Texas Medical Board shall develop a process to
26 create a "whitelist" of countries whose licensure requirements
27 include residency or a substantially similar postgraduate medical

1 training under Section 155.1015(a)(3)(A), Occupations Code, as
2 added by this Act. The process must include a review by the Texas
3 Medical Board of at least 10 countries per year for inclusion on the
4 whitelist, and if after the review a country is not included, the
5 Texas Medical Board must identify, with specificity, the aspects of
6 the country's requirements that caused the country to not be
7 included.

8 ARTICLE 6. EFFECTIVE DATE

9 SECTION 6.001. This Act takes effect September 1, 2025.