

By: Bhojani, Oliverson, Campos,
Jones of Harris, Schofield

H.B. No. 3415

Substitute the following for H.B. No. 3415:

By: VanDeaver

C.S.H.B. No. 3415

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain health professionals;
providing an administrative penalty.

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

SECTION 1. The heading to Subchapter E, Chapter 101,
Occupations Code, is amended to read as follows:

SUBCHAPTER E. CERTAIN PRACTICES RELATED TO ADVERTISING AND BILLING
PROHIBITED [~~GROUND FOR LICENSE REVOCATION OR DENIAL~~]

SECTION 2. Section 101.201, Occupations Code, is amended by
amending Subsection (b) and adding Subsections (c) and (d) to read
as follows:

(b) False, misleading, or deceptive advertising or
advertising not readily subject to verification includes
advertising that:

(1) makes a material misrepresentation of fact or
omits a fact necessary to make the statement as a whole not
materially misleading;

(2) makes a representation likely to create an
unjustified expectation about the results of a health care service
or procedure;

(3) compares a health care professional's services
with another health care professional's services unless the
comparison can be factually substantiated;

(4) contains a testimonial;

(5) causes confusion or misunderstanding as to the credentials, education, or licensing of a health care professional, including using a title, a term, or other words that misstate, falsely describe, falsely hold out, or falsely detail the health care professional's:

(A) professional skills;

(B) training;

(C) expertise;

(D) educational degree;

(E) specialty certification; or

(F) licensure;

(6) represents that health care insurance deductibles or copayments may be waived or are not applicable to health care services to be provided if the deductibles or copayments are required;

(7) represents that the benefits of a health benefit plan will be accepted as full payment when deductibles or copayments are required;

(8) makes a representation that is designed to take advantage of the fears or emotions of a particularly susceptible type of patient; or

(9) represents in the use of a professional name a title or professional identification that is associated with another profession and the health care professional is not licensed or otherwise authorized to practice that profession ~~[expressly or commonly reserved to or used by another profession or professional]~~.

1 (c) For purposes of this section, advertising that includes
2 the name of the health care professional but does not include the
3 professional identification required by Section 104.003 is
4 considered false, misleading, deceptive, or not readily subject to
5 verification.

6 (d) In this section, "advertising" includes:

7 (1) any printed, electronic, or oral statement, with
8 respect to the provision of health care services by a health care
9 professional:

10 (A) that is communicated or disseminated to the
11 public;

12 (B) that:

13 (i) is intended to encourage a person to use
14 the professional's services; or

15 (ii) for a commercial purpose, names the
16 professional in connection with the practice, profession, or
17 institution in which the professional provides health care
18 services; and

19 (C) the preparation, communication, or
20 dissemination of which is controlled by the professional or a group
21 to which the professional is affiliated; and

22 (2) any communication or statement not described by
23 Subdivision (1) but that is used in the regular course of the
24 professional's business for the purpose of promoting the
25 professional's services to the public, including:

26 (A) business cards;

27 (B) letterhead;

1 (C) signs;

2 (D) pamphlets;

3 (E) brochures;

4 (F) e-mails and any other communication or
5 statement transmitted through the Internet; or

6 (G) audio or video communications, including
7 television or radio advertisements.

8 SECTION 3. Section 104.003, Occupations Code, is amended by
9 amending Subsections (b) and (c) and adding Subsections (h) and (i)
10 to read as follows:

11 (b) A person who is licensed by the Texas Medical [~~State~~]
12 Board [~~of Medical Examiners~~] and holds a doctor of medicine degree
13 shall use:

14 (1) physician or surgeon, M.D.;

15 (2) doctor, M.D.; [~~or~~]

16 (3) doctor of medicine, M.D.; or

17 (4) a designation indicating that the person is
18 certified or eligible for certification, as applicable, by a
19 certifying board of the American Board of Medical Specialties or a
20 successor organization.

21 (c) A person who is licensed by the Texas Medical [~~State~~]
22 Board [~~of Medical Examiners~~] and holds a doctor of osteopathy
23 degree shall use:

24 (1) physician or surgeon, D.O.;

25 (2) osteopathic physician or surgeon;

26 (3) doctor, D.O.;

27 (4) doctor of osteopathy;

(5) doctor of osteopathic medicine;

(6) osteopath; ~~or~~

(7) D.O.; or

(8) a designation indicating that the person is certified or eligible for certification, as applicable, by a certifying board of the American Osteopathic Association or a successor organization.

(h) Unless another provision of this title specifies another designation, the person shall use only the following designations for each healing art the person is licensed to practice:

(1) "midwife," "physician assistant," "acupuncturist," or "surgical assistant," as applicable, if the person holds a license under Subtitle C;

(2) "dental hygienist," if the person holds a license to practice dental hygiene issued under Chapter [256](#);

(3) "licensed vocational nurse," "registered nurse," "advanced practice registered nurse," "nurse midwife," "certified registered nurse anesthetist," "nurse practitioner," or "clinical nurse specialist," as applicable, if the person holds a license under Subtitle E;

(4) "speech-language pathologist," "audiologist," "hearing instrument fitter and dispenser," "licensed dyslexia practitioner," or "licensed dyslexia therapist," as applicable, if the person holds a license under Subtitle G;

(5) "athletic trainer," "physical therapist," "occupational therapist," or "massage therapist," as applicable,

if the person holds a license under Subtitle H;

(6) "psychologist," "psychological associate," "marriage and family therapist," "marriage and family therapist associate," "licensed professional counselor," "LPC," "licensed professional counselor-associate," "licensed professional counselor-supervisor," "LPC-S," "licensed professional counselor-art therapist," "LPC-AT," "chemical dependency counselor," "social worker," "licensed behavior analyst," or "assistant licensed behavior analyst," as applicable, if the person holds a license under Subtitle I;

(7) "medical radiologic technologist," "medical physicist," "perfusionist," "respiratory care practitioner," "orthotist," or "prosthetist," as applicable, if the person holds a license or certificate, as appropriate, under Subtitle K; and

(8) "dietitian," if the person holds a license under Chapter 701.

(i) This section does not prohibit a person from using, to identify the person, a practice specialty designation the person has been granted by the appropriate licensing board.

SECTION 4. Chapter 104, Occupations Code, is amended by adding Section 104.0033 to read as follows:

Sec. 104.0033. FALSE AND DECEPTIVE ADVERTISING. A healing art practitioner may not use advertising that is false, misleading, deceptive, or not readily subject to verification as provided by Section 101.201.

SECTION 5. Section 104.005(a), Occupations Code, is amended to read as follows:

1 (a) On the request of a healing art licensing board that
2 issues a license, certificate, or other authorization described by
3 [~~listed in~~] Section 104.003, the district or county attorney shall
4 file and prosecute appropriate judicial proceedings in the name of
5 the state against a person who violates Section 104.003.

6 SECTION 6. Chapter 104, Occupations Code, is amended by
7 adding Section 104.008 to read as follows:

8 Sec. 104.008. ADMINISTRATIVE PENALTY. (a) A healing art
9 licensing board that issues a license, certificate, or other
10 authorization described by Section 104.003 may impose an
11 administrative penalty on a person who:

12 (1) holds a license, certificate, or other
13 authorization issued by the healing art licensing board; and

14 (2) violates this chapter.

15 (b) The amount of an administrative penalty may not exceed
16 \$1,000 for each violation. Each day a violation continues or occurs
17 is a separate violation for purposes of imposing a penalty.

18 (c) A proceeding to impose an administrative penalty under
19 this section is subject to Chapter 2001, Government Code.

20 SECTION 7. Section 165.156, Occupations Code, is amended to
21 read as follows:

22 Sec. 165.156. MISREPRESENTATION REGARDING ENTITLEMENT TO
23 PRACTICE MEDICINE. A person, partnership, trust, association, or
24 corporation commits an offense if the person, partnership, trust,
25 association, or corporation, through the use of any title,
26 abbreviation, description of services, designation, letters,
27 words, or terms, alone or in combination with any other title,

1 affixed on stationery or on advertisements, or in any other manner,
2 including oral or written communications, indicates or induces
3 another to believe that the person, partnership, trust,
4 association, or corporation is entitled to practice medicine if the
5 person, partnership, trust, association, or corporation is not
6 licensed to do so.

7 SECTION 8. Subchapter D, Chapter 165, Occupations Code, is
8 amended by adding Section 165.1565 to read as follows:

9 Sec. 165.1565. USE OF TITLE. (a) In this section, "medical
10 or medical specialty title" means:

- 11 (1) "doctor of medicine" or "M.D.";
- 12 (2) "doctor of osteopathy" or "D.O.";
- 13 (3) "physician";
- 14 (4) "surgeon";
- 15 (5) "osteopathic physician";
- 16 (6) "osteopathic surgeon";
- 17 (7) "doctor";
- 18 (8) "allergist";
- 19 (9) "anesthesiologist";
- 20 (10) "cardiologist";
- 21 (11) "dermatologist";
- 22 (12) "endocrinologist";
- 23 (13) "gastroenterologist";
- 24 (14) "general practitioner";
- 25 (15) "gynecologist";
- 26 (16) "hematologist";
- 27 (17) "immunologist";

1 (18) "intensivist";
2 (19) "internist";
3 (20) "laryngologist";
4 (21) "neonatologist";
5 (22) "nephrologist";
6 (23) "neurologist";
7 (24) "obstetrician";
8 (25) "oncologist";
9 (26) "ophthalmologist";
10 (27) "orthopedic surgeon";
11 (28) "orthopedist";
12 (29) "osteopath";
13 (30) "otologist";
14 (31) "otolaryngologist";
15 (32) "otorhinolaryngologist";
16 (33) "pathologist";
17 (34) "pediatrician";
18 (35) "physiatrist";
19 (36) "primary care physician";
20 (37) "proctologist";
21 (38) "psychiatrist";
22 (39) "pulmonologist";
23 (40) "radiologist";
24 (41) "resident";
25 (42) "rheumatologist";
26 (43) "rhinologist"; or
27 (44) "urologist."

1 (b) Except as provided by Section 104.004, a person who is
2 not licensed to practice medicine by the board may not:

3 (1) use or publicly display a medical or medical
4 specialty title in connection with the person's name either alone
5 or in combination with another word or title; or

6 (2) indicate or induce another to believe that the
7 person is an attending doctor or attending physician.

8 (c) This section does not prohibit a chiropractor licensed
9 under Chapter 201 from using or publicly displaying a postdoctoral
10 diploma obtained by the chiropractor or using a title described in
11 Subsection (a) if the title clearly includes a reference to:

12 (1) "chiropractic"; or

13 (2) "chiropractor."

14 (d) This section does not prohibit a person from using, to
15 identify the person, a practice specialty title the person has been
16 granted by the appropriate licensing board.

17 SECTION 9. Section 204.203, Occupations Code, is amended to
18 read as follows:

19 Sec. 204.203. IDENTIFICATION REQUIREMENTS. A physician
20 assistant shall:

21 (1) keep the physician assistant's license available
22 for inspection at the physician assistant's primary place of
23 business; and

24 (2) when engaged in the physician assistant's
25 professional activities, wear a name tag identifying the license
26 holder as a physician assistant by title or the initials "P.A.".

27 SECTION 10. Subchapter E, Chapter 204, Occupations Code, is

amended by adding Section 204.2035 to read as follows:

Sec. 204.2035. FALSE AND DECEPTIVE ADVERTISING. A physician assistant may not use advertising that is false, misleading, deceptive, or not readily subject to verification as provided by Section 101.201.

SECTION 11. Sections 301.351(a), (b), and (c), Occupations Code, are amended to read as follows:

(a) A person who holds a license ~~[as a registered nurse]~~ under this chapter ~~[÷~~

~~[(1)]~~ is referred to as:

(1) a registered nurse or ~~[÷ and~~

~~[(2) may use the abbreviation]~~ "R.N.";

(2) a licensed vocational nurse or "L.V.N.";

(3) an advanced practice registered nurse or

"A.P.R.N.";

(4) a nurse practitioner or "N.P.";

(5) a nurse midwife;

(6) a certified registered nurse anesthetist or

"C.R.N.A."; or

(7) a clinical nurse specialist or "C.N.S.".

(b) Except as provided by Section 104.004, a [A] person who holds a license ~~[as a vocational nurse]~~ under this chapter may not use the title "doctor" unless the person also holds a license issued by the Texas Medical Board under Subtitle B, as provided by Section 165.1565. ~~[÷~~

~~[(1) is referred to as a licensed vocational nurse or vocational nurse; and~~

1 ~~[(2) may use the abbreviation "L.V.N." or "V.N."]~~

2 (c) While interacting with the public in a nursing role,
3 each nurse shall wear a clearly legible insignia identifying the
4 nurse in accordance with Subsection (a) ~~[as a registered or~~
5 ~~vocational nurse]~~. The insignia may not contain information other
6 than:

7 (1) the appropriate ~~[registered or vocational nurse]~~
8 designation;

9 (2) the nurse's name, certifications, academic
10 degrees, or practice position;

11 (3) the name of the employing facility or agency, or
12 other employer;

13 (4) a picture of the nurse; or

14 (5) any other information authorized by the board.

15 SECTION 12. Subchapter [H](#), Chapter [301](#), Occupations Code, is
16 amended by adding Section 301.3515 to read as follows:

17 Sec. 301.3515. FALSE AND DECEPTIVE ADVERTISING. A nurse
18 may not use advertising that is false, misleading, deceptive, or
19 not readily subject to verification as provided by Section [101.201](#).

20 SECTION 13. The changes in law made by this Act apply only
21 to conduct that occurs on or after the effective date of this Act.
22 Conduct that occurs before that date is governed by the law in
23 effect on the date the conduct occurred, and the former law is
24 continued in effect for that purpose.

25 SECTION 14. This Act takes effect September 1, 2025.