

BILL ANALYSIS

Senate Research Center
77R14490 JMM-F

C.S.H.B. 3421
By: Farabee (Madla)
Health & Human Services
5/1/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Under current law, the Texas State Board of Physician Assistant Examiners (board) does not have the authority to temporarily suspend a license under the Physician Assistant Licensing Act. The Texas State Board of Medical Examiners (medical board) has the authority to automatically suspend a physician's license if a physician is incarcerated, but the board does not have the same suspension authority over a physician assistant. In addition, a temporary license issued by the board may only last 100 days. Because the board meets only four times per year, a temporary license may expire before the next meeting. C.S.H.B. 3421 grants the boards suspension powers and extends the time period during which a temporary physician assistant license may be valid.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 204.155(b), Occupations Code, to authorize a temporary license to be valid for not more than one year, rather than 100 days after the date issued as determined by physician assistant board (board) rule. Deletes language authorizing the license to be extended for not more than an additional 30 days after the expiration of the initial temporary license.

SECTION 2. Amends Chapter 204G, Occupations Code, by adding Sections 204.310 and 204.311, as follows:

Sec. 204.310. **REQUIRED SUSPENSION OF LICENSE OF INCARCERATED PHYSICIAN ASSISTANT.** Requires the board, regardless of the offense, to suspend the license of a physician assistant serving a prison term in a state or federal penitentiary during the term of incarceration.

Sec. 204.311. **TEMPORARY SUSPENSION.** (a) Requires the presiding officer of the physician assistant board, with board approval, to appoint a three-member disciplinary panel consisting of board members to determine whether a person's license to practice as a physician assistant should be temporarily suspended.

(b) Requires that if the disciplinary panel determines from the evidence or information presented to the panel that a person licensed to practice medicine as a physician assistant would, by the person's continuation in practice, constitute a continuing threat to public welfare, the disciplinary panel temporarily suspend the license of that person.

(c) Authorizes a license to be suspended under this section without notice or hearing on the complaint under certain conditions.

(d) Authorizes the disciplinary panel, notwithstanding Chapter 551 (Open Meetings),

Government Code, to hold a meeting by telephone conference call if immediate action is required and convening of the panel at one location is inconvenient for any member of the disciplinary panel.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends Engrossed H.B. 3421 to provide that a temporary license may be valid for not more than one year, rather than for one year.

SECTION 2. Amends Engrossed H.B. 3421 to require that the physician assistant board, rather than the board, suspend the license and to provide that the presiding officer of the physician assistant board, rather than the president, appoint a three member disciplinary panel.

SECTION 3. No change.