

BILL ANALYSIS

Senate Research Center
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S.B. 104
By: Nelson
Health and Human Services
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DIGEST AND PURPOSE

Currently, the Texas State Board of Medical Examiners is charged with protecting the public health, safety, and welfare through the licensing and regulation of physicians, acupuncturists, and physician assistants. S.B. 104, filed as a companion to the Medical Liability Insurance Reform Act (S.B. 12), includes measures intended to reduce the risk of patient injury due to medical error. As proposed, S.B. 104 provides measures relating to the regulation and enforcement of the practice of medicine by the Texas State Board of Medical Examiners (board).

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas State Board of Medical Examiners in SECTION 3 (Section 164.057, Occupations Code) and SECTION 4 (Section 164.059, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 153A, Occupations Code, by adding Section 153.014, as follows:

Sec. 153.014. PHYSICIAN EDUCATION AND ASSISTANCE PROGRAM. (a) Requires the Texas State Board of Medical Examiners (board) to establish a physician education and assistance program to ensure that all physicians licensed under this subtitle have sufficient knowledge regarding current medical technology and other developments in the practice of medicine.

(b) Requires the board, as part of the program established under this section, to establish a procedure to identify and provide assistance to physicians who may be at risk of committing medical errors or other acts of malpractice.

SECTION 2. Amends Section 164.051, Occupations Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

(b) Makes a conforming change referring to Subsection (d).

(c) Makes a conforming change referring to Subsection (d).

(d) Requires the board to revoke a license issued under this subtitle if the license holder held a license to practice medicine in another state that has been revoked by the licensing authority in that state.

SECTION 3. Amends Section 164.057, Occupations Code, as follows:

Sec. 164.057. New heading: REQUIRED SUSPENSION OR REVOCATION OF LICENSE FOR CERTAIN OFFENSES. Deletes "felony" from the heading.

(a) Includes “any other offense that is a violent crime” in the list of initial convictions which would require the board to suspend a physician’s license. Makes conforming changes.

(b) Makes a conforming change.

(c) Requires the board to adopt rules that prescribe the offenses for which a conviction is considered to be a conviction of a violent crime under Subsection (a)(1)(B).

SECTION 4. Amends Section 164.059, Occupations Code, by adding Subsections (e) and (f), as follows:

(e) Requires the board, by rule, to adopt guidelines to assist in determining whether a license holder’s continuation in practice constitutes a threat to the public welfare for purposes of this section and Section 164.001(c).

(f) Requires the board and the State Office of Administrative Hearings to expedite any informal settlement conference, hearing, or other decision resulting from a temporary suspension under this section.

SECTION 5. (a) Effective date: September 1, 2003.

(b) Requires the board to take certain actions.

(c) Provides that the change in law made by this Act by the amendment of Section 164.051, Occupations Code, applies to a physician whose license to practice medicine in another state was revoked on, before, or after the effective date of this Act.

(d) Makes application of this Act prospective to January 1, 2004.