

## **BILL ANALYSIS**

Senate Research Center  
82R4188 JAM-D

S.B. 1021  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In collaboration with the National Board of Medical Examiners, the Federation of State Medical Boards developed the United States Medical Licensing Examination (USMLE) to further public trust in the medical profession with a rigorous examination system for those seeking a license to practice medicine in this country. The American Osteopathic Association, through the National Board of Osteopathic Medical Examiners, has in place the COMLEX exam for osteopathic trained physicians. Designed to be taken at different points during medical education and training, both exams assess a physician's ability to apply knowledge and to demonstrate fundamental patient centered skills.

Currently, USMLE suggests up to six attempts for each exam step and that all three steps should be taken within a seven-year time period to complete the test. The National Board of Osteopathic Medical Examiners has not a set a limit on the number of attempts an applicant may take, only that the attempts occur within a seven-year time period. Many states, including states with some of the largest physician populations (e.g., New York, Pennsylvania, and Florida), have no limits on attempts or allow more attempts. However, Texas currently allows only three attempts on each step of both exams.

Over time, exceptions to the number of exam attempts have been added to the Occupations Code in recognition of the fact that personal and educational experiences of physicians can impact passage of the test and are not always a fair assessment of a particular physician's qualifications. The three attempts rule no longer weeds out physicians with inadequate education; it is simply a hurdle in the license process, which can prove insurmountable for some applicants based on past testing experiences. Other Texas licensure requirements related to education and post-graduate training ensure protection of the public without the need for such a restricted number of exam attempts.

Today, many regions in Texas suffer from significant physician shortages. Many qualified physicians who have valuable experience and want to practice in Texas are unable to ever obtain a license in the state because the limit on exam attempts renders them ineligible, even with board certification.

S.B. 1021 amends the Occupations Code to change the limit on exam attempts from three to six, which is in accord with USMLE and COMLEX guidelines. In addition, the bill allows those applicants who have achieved board certification from a recognized specialty board to use that certification in lieu of meeting the exam attempt or time limitation requirement. If enacted, S.B. 1021 will enhance the qualified physician population in Texas, thereby increasing access to health care.

As proposed, S.B. 1021 amends current law relating to certain examination requirements for physicians.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Medical Board is rescinded in SECTION 1 (Section 155.051, Occupation Code) of the bill.

## **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 155.051(c), Occupations Code, as follows:

(c) Provides that Subsections (a) (relating to requiring an applicant to pass each part of an examination within seven years) and (b) (relating to requiring the applicant to pass the examination within two years of graduating) do not apply to an applicant who is specialty board certified by a specialty board that:

(1) is a member of the American Board of Medical Specialties; or

(2) is approved by the American Osteopathic Association.

Deletes existing text providing that the time frame to pass each part of the examination described by Subsection (a) is extended 10 years and the anniversary date to pass each part of the examination described by Subsection (b) is extended to the 10th anniversary if an applicant is a specialty board certified by a specialty board that is a member of the American Board of Specialties or is a member of the Bureau of Osteopathic Specialists or has been issued a faculty temporary license, as prescribed by Texas Medical Board (TMB) rule, and has practiced under such a license for a minimum of 12 months, and at the conclusion of the 12-month period, has been recommended to TMB by the chief administrative officer and the president of the institution in which the applicant practiced under the faculty temporary license.

SECTION 2. Amends Sections 155.056(a) and (d), Occupations Code, as follows:

(a) Requires an applicant to pass each part of an examination within six, rather than three, attempts.

(d) Provides that the limitation on examination attempts by an applicant under Subsection (a) does not apply to an applicant who is specialty board certified by a specialty board that is a member of the American Board of Medical Specialties, or is approved by the American Osteopathic Association.

Deletes existing text providing that the limitation on Subsection (a) does not apply to an applicant who is licensed and in good standing as a physician in another state, has been licensed for at least five years, does not hold a medical license in the other state that has any restrictions, disciplinary orders, or probation, and passed all but one part of the examination approved by TMB within three attempts and passed the remaining part of the examination within one additional attempt, or passed the remaining part of the examination within six attempts if the applicant is specialty board certified by a certain specialty board and has completed in this state an additional two years of post graduate medical training approved by TMB.

SECTION 3. Repealer: Section 155.056(c) (relating to examination requirements for applicants with physician-in-training permits), Occupations Code.

SECTION 4. Effective date: September 1, 2011.