

BILL ANALYSIS

Senate Research Center
83R12197 PEP-F

C.S.S.B. 336
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Criminal Justice
4/4/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent media reports have suggested that there is a severe shortage of qualified medical examiners available in Texas and difficulty in recruiting physicians with adequate training and experience in forensic pathology to fill vacant medical examiner positions.

According to a 2009 report by the National Academy of Sciences, fewer than 500 physicians nationwide practice forensic pathology full time. Forensic pathology consists of specialized work, long hours, and the heavy pressure of being a courtroom witness.

To be appointed as a medical examiner in Texas, one must be a physician licensed by the Texas Medical Board; however, it is unclear whether a provisional license suffices. C.S.S.B. 336 provides that a person can be appointed as a medical examiner if the person is licensed and in good standing as a physician in another state, has applied to the Texas Medical Board for a license to practice medicine in Texas, and has been granted a provisional license under Section 155.101 (Provisional License to Practice in Certain Areas), Occupations Code.

C.S.S.B. 336 amends current law relating to the qualifications for appointment as a medical examiner.

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 2, Article 49.25, Code of Criminal Procedure, as follows:

(a) Creates this subsection from existing text and makes nonsubstantive changes. Requires a person appointed as the medical examiner to be:

(1) a physician licensed by the Texas Medical Board, rather than the State Board of Medical Examiners; or

(2) a person who:

(A) is licensed and in good standing as a physician in another state;

(B) has applied to the Texas Medical Board for a license to practice medicine in this state; and

(C) has been granted a provisional license under Section 155.101 (Provisional License to Practice in Certain Areas), Occupations Code.

(b) Creates this subsection from existing text and makes no further change to this subsection.

(c) Creates this subsection from existing text and makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2013.