

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 548
By: Frank et al. (Blanco)
Veteran Affairs & Border Security
5/19/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Federal law currently exempts active duty military medical personnel from state occupational licensing requirements. However, those exemptions lapse once a provider leaves active duty military services. Many veterans who are doctors and nurses and who have served in Texas would like to remain once their active service ends, but often leave due to the burdens of obtaining a Texas license.

H.B. 548 allows physicians and nurses in good standing to obtain a Texas license and continue to practice in Texas once they leave active duty service if they have served at a military installation for at least a year and pledge to provide their services in a part of the state that is deemed medically underserved.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 548 amends current law relating to the temporary licensing of certain military veterans as health care providers to practice in underserved areas.

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 Subchapter C, Chapter 155, Occupations Code, by adding Section 155.108, as follows:

Sec. 155.108. TEMPORARY LICENSE FOR MILITARY VETERAN TO PRACTICE IN CERTAIN AREAS. (a) Defines "active duty" and "armed forces of the United States."

(b) Requires the Texas Medical Board (TMB) to issue a temporary license to practice medicine in a location described by Subsection (e) to an applicant who:

- (1) is licensed in good standing as a physician in another state;
- (2) is a veteran of the armed forces of the United States who retired from or otherwise left military service not more than one year before the application date for a license under this section; and
- (3) was, at the time of retiring from or leaving military service:
 - (A) serving on active duty in this state; and
 - (B) authorized as a physician to treat persons enlisted in the armed forces of the United States or veterans.

(c) Provides that an applicant for a license under this section is not required to have passed the Texas medical jurisprudence examination.

(d) Prohibits TMB from issuing a license under this section to an applicant who:

(1) was discharged or separated from the armed forces of the United States on the basis of substandard conduct or for any act of misconduct or moral or professional dereliction;

(2) holds a medical license or a license to prescribe, dispense, administer, supply, or sell a controlled substance that is currently under active investigation or is or was subject to a disciplinary order or action or to denial by any jurisdiction; or

(3) has been convicted of, is on deferred adjudication community supervision or deferred disposition for, or is under active investigation for the commission of a felony or a misdemeanor involving moral turpitude.

(e) Authorizes a physician licensed under this section to practice only in a health professional shortage area, as defined by Section 157.051 (Definitions) or a medically underserved community, as defined by Section 487.201 (Definitions), Government Code.

(f) Provides that a license issued under this section expires 18 months after the date the license was issued and is prohibited from being renewed.

SECTION 2. Amends Subchapter F, Chapter 301, Occupations Code, by adding Section 301.262, as follows:

Sec. 301.262. TEMPORARY LICENSE FOR MILITARY VETERAN TO PRACTICE IN CERTAIN AREAS. (a) Defines "active duty" and "armed forces of the United States."

(b) Requires the Texas Board of Nursing (BON) to issue a temporary license to practice nursing in a location described by Subsection (e) to an applicant who:

(1) is licensed in good standing as a nurse in another state;

(2) is a veteran of the armed forces of the United States who retired from or otherwise left military service not more than one year before the application date for a license under this section; and

(3) was, at the time of retiring from or otherwise leaving military service serving on active duty in this state and authorized as a nurse to treat persons enlisted in the armed forces of the United States or veterans.

(c) Provides that an applicant for a license under this section is not required to have passed the jurisprudence examination.

(d) Prohibits BON from issuing a license under this section to an applicant who:

(1) was discharged or separated from the armed forces of the United States on the basis of substandard conduct or for any act of misconduct or moral or professional dereliction;

(2) holds a nursing license or a license to prescribe, dispense, administer, supply, or sell a controlled substance that is currently under active investigation or is or was subject to a disciplinary order or action or to denial by any jurisdiction; or

(3) has been convicted of, is on deferred adjudication community supervision or deferred disposition for, or is under active investigation for the commission of a felony or a misdemeanor involving moral turpitude.

(e) Authorizes a nurse licensed under this section to practice only in a health professional shortage area, as defined by Section 157.051 or a medically underserved community, as defined by Section 487.201, Government Code.

(f) Provides that a license issued under this section expires 18 months after the date the license was issued and is prohibited from being renewed.

SECTION 3. Effective date: September 1, 2021.