

## **BILL ANALYSIS**

H.B. 2143  
By: Cortez  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that there are insufficient protections in place to prevent physician assistants from being suspended, terminated, or otherwise disciplined, discriminated against, or retaliated against for refusing to engage in conduct that constitutes grounds for reporting the physician assistant to the Texas Physician Assistant Board or that violates the Physician Assistant Licensing Act or a rule adopted under that act. H.B. 2143 seeks to address this issue by protecting physician assistants who refuse to engage in such conduct.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2143 amends the Occupations Code to prohibit a person from suspending, terminating, or otherwise disciplining, discriminating against, or retaliating against a physician assistant who refuses to engage in an act or omission relating to patient care that would constitute grounds for reporting the physician assistant to the Texas Physician Assistant Board or that violates the Physician Assistant Licensing Act or a rule adopted under that act if the physician assistant notifies the person at the time of the refusal that the reason for refusing is that the act or omission constitutes grounds for reporting the physician assistant to the board or is a violation of the act or a rule adopted under the act. The bill expressly authorizes a physician assistant to refuse to engage in such an act or omission if the physician assistant provides such notice. The bill prohibits a person from suspending, terminating, or otherwise disciplining, discriminating against, or retaliating against a person who advises a physician assistant of the physician assistant's rights under the bill's provisions.

H.B. 2143 establishes that an act prohibited under the bill's provisions does not constitute a violation of the bill's provisions if a medical peer review committee determines that the act or omission in which the physician assistant refused to engage was not reportable conduct or an applicable violation or if a medical peer review committee determines that the act or omission in which the physician assistant refused to engage was reportable conduct or an applicable violation and the person rescinds any disciplinary or discriminatory action against the physician assistant, compensates the physician assistant for any lost wages, and restores any lost benefits to the physician assistant. The bill prohibits a physician assistant's rights under the bill's provisions from being nullified by a contract and authorizes an appropriate licensing agency to take action against a person who violates the bill's provisions.

**EFFECTIVE DATE**

September 1, 2017.