

## **BILL ANALYSIS**

C.S.H.B. 2593  
By: Coleman  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The regulation of podiatrists and podiatric medical assistants has changed in recent years with regard to the authority under which certain procedures and persons are governed. It has been suggested that the authority of a podiatrist to delegate certain podiatric medical acts to a qualified and properly trained podiatric medical assistant needs clarification. C.S.H.B. 2593 seeks to clarify that persons who perform podiatric radiologic procedures at the direction of a podiatrist are regulated by the Texas Department of Licensing and Regulation and that podiatrists may delegate certain podiatric medical acts to a qualified and properly trained podiatric medical assistant.

### **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 rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 4 of this bill.

### **ANALYSIS**

C.S.H.B. 2593 amends the Occupations Code to authorize a podiatrist to delegate to a qualified and properly trained podiatric medical assistant acting under the podiatrist's supervision any podiatric medical act that a reasonable and prudent podiatrist would find within the scope of sound medical judgment to delegate under the following conditions:

- in the opinion of the delegating podiatrist, the medical act can be properly and safely performed by the podiatric medical assistant to whom the podiatric medical act is delegated and is performed in a customary manner and not in violation of any other statute; and
- the podiatric medical assistant to whom the podiatric medical act is delegated does not represent to the public that the medical assistant is authorized to practice podiatry.

The bill makes a delegating podiatrist responsible for a podiatric medical act performed by the podiatric medical assistant to whom the podiatrist delegates the act.

C.S.H.B. 2593 expressly does not require a person to hold a certificate issued under the Medical Radiologic Technologist Certification Act to perform a radiologic procedure if the procedure is performed under the supervision of a podiatrist and the person is registered with the Texas Department of Licensing and Regulation (TDLR) to assist a podiatrist and complies with rules adopted under the bill's provisions. The bill requires rules adopted by the Texas Commission of Licensing and Regulation (TCLR) regulating the manner in which a podiatrist may order, instruct, or direct another authorized person in the performance of a radiologic procedure to:

- require an authorized person who performs radiologic procedures under the delegation of a podiatrist, other than a registered nurse, to register with TDLR;
- establish reasonable and necessary fees to cover the administrative costs incurred by TDLR in administering the registration program;
- establish grounds for the suspension, revocation, or nonrenewal of a registration issued under the program; and
- establish standards for training and supervising the operators of the equipment.

The bill authorizes TDLR, in adopting the rules, to take into account whether the radiologic procedure will be performed by a registered nurse.

**EFFECTIVE DATE**

September 1, 2019.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2593 differs from the original in minor or nonsubstantive ways to make technical corrections.