

- SUBJECT:** Expanding eligibility to be medical examiner in underserved areas
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 9 ayes — Herrero, Carter, Burnam, Canales, Hughes, Leach, Moody, Schaefer, Toth
0 nays
- WITNESSES:** For — Betsy Keller, County of El Paso; (*Registered, but did not testify:* Steve Bresnen and Kevin McCary, El Paso County)
Against — None
- BACKGROUND:** Code of Criminal Procedure art. 49.25 establishes the duties and qualifications of medical examiners. Under sec. 2, commissioners courts appoint the medical examiner, who must be a physician licensed by the Texas Medical Board.
Occupations Code, sec. 155.101 allows the Texas Medical Board to grant a provisional license for a physician to practice medicine only in a location:
- designated by the federal government as a health professional shortage area; or
 - designated by the federal or state government as a medically underserved area.
- DIGEST:** CSHB 1192 would expand the criteria governing eligibility to be appointed a medical examiner by allowing appointment of a person who:
- was licensed and in good standing as a physician in another state;
 - had applied to the Texas Medical Board for a license to practice in Texas; and
 - had been granted a provisional license under Occupations Code, sec. 155.101.

The bill would take effect September 1, 2013.

SUPPORTERS
SAY:

CSHB 1192 would help attract more qualified medical examiners to the underserved areas of Texas.

Medical examiners are forensic pathologists, employed by counties, who determine the cause of death when someone passes away suspiciously or unexpectedly or in other situations such as suicides and certain child deaths. These officials are important to the criminal justice and public health systems, and while large counties are required to establish a medical examiners' office, any county may do so. The National Academy of Sciences has reported that there are fewer than 500 full-time forensic pathologists nationwide, forcing Texas counties to compete with hospitals, government agencies, and private entities for the services of this small group.

Recruiting and retaining medical examiners has become increasingly difficult for medically underserved areas. For example, the medical examiner's office in El Paso has been vacant since 2010. In three years of searching and interviewing, no new hire has been made. Current law requires medical examiners to be physicians licensed by Texas, which severely limits the number of qualified candidates. Because the process to obtain a Texas medical license can be lengthy and costly, it can be difficult to recruit forensic pathologists from outside of Texas.

CSHB 1192 would address this problem by expanding the pool of those who could be appointed medical examiner in designated health shortage or medically underserved areas to include qualified doctors licensed in other states who meet the criteria in the bill. This would allow certain counties to hire out-of-state doctors and allow them to work as an examiner while obtaining their Texas medical license.

The bill would not lower current standards or lead to poorly qualified doctors being appointed medical examiner. An examiner from another state would have to be licensed and in good standing and have been granted a provisional license by the Texas Medical Board. The board has statutory requirements for provisional licenses, including passage of a board-recognized exam. Provisional licenses are good for about nine months, ensuring that an out-of-state doctor would obtain a Texas license in a reasonable amount of time.

CSHB 1192 would be tailored to help those areas of Texas most in need of

medical examiners. Those who receive provisional licenses must practice only in designated health shortage or medically underserved areas. If the bill were broadened to allow out-of-state doctors to work as medical examiners anywhere in the state, underserved areas might lose candidates to areas where examiners were not as difficult to recruit.

**OPPONENTS
SAY:**

CSHB 1192 would deepen the pool of medical examiner candidates only for designated health shortage and medically underserved areas. It might be better to enact a broader bill that would allow an out-of-state licensed doctor applying for a Texas license to work as a medical examiner anywhere in the state.

NOTES:

Both the committee substitute and the bill as introduced would allow medical examiners who were not licensed in Texas and who were in good standing in another state to be eligible to be a medical examiner. However, the original bill also would have required that these doctors be seeking licensure in Texas. The committee substitute eliminated this requirement and added the requirements that a medical examiner must have applied for a Texas license and been granted a provisional license.

A similar companion bill, SB 336 by Rodriguez, has been approved by the Senate on the local and uncontested calendar and referred to the House Criminal Jurisprudence Committee.