

- SUBJECT:** Providing protections for physician assistants, changing requirements
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 9 ayes — Price, Sheffield, Burkett, Coleman, Cortez, Guerra, Klick, Oliverson, Zedler
- 0 nays
- 2 absent — Arévalo, Collier
- SENATE VOTE:** On final passage, May 10 — 30-0
- WITNESSES:** None
- BACKGROUND:** Occupations Code, ch. 204, establishes the Physician Assistant Licensing Act. Some suggest existing law provides insufficient protections for physician assistants who refuse to engage in conduct that would constitute grounds for reporting the physician assistant to the Texas Physician Assistant Board or violate state law or rule.
- DIGEST:** SB 1625 would provide certain protections and requirements for physician assistants, revise physician assistant licensing requirements, require fingerprint-based background checks for physician assistants, and revise Texas Physician Assistant Board member training and meeting requirements.
- Physician assistant protections.** The bill would provide protections against suspension, termination, discipline, discrimination, or retaliation for physician assistants who refused to engage in acts or omissions that would violate a rule related to their license or the Physician Assistant Licensing Act, if the physician assistant met certain requirements listed in the bill. The bill would authorize a physician assistant to refuse to engage in such acts or omissions and would provide a process for medical peer review of that conduct.

The bill would prohibit a physician assistant's rights relating to protection for refusal to engage in certain conduct from being nullified by a contract. An appropriate licensing agency could take action against a person who violated provisions in the bill related to physician assistant protections. The bill's provisions would apply only to an act or omission that took place on or after September 1, 2017.

Licensing requirements. The bill would remove language requiring a physician assistant license applicant to be "of good moral character" and would make licenses valid for one or two years, as determined by board rule.

Fingerprint-based background checks. The bill would require physician assistant license applicants to undergo fingerprint-based background checks to have a license issued or renewed. The bill would prohibit the Texas Physician Assistant Board from issuing a license to a person who had not submitted fingerprints to the board or to the Department of Public Safety, as applicable, for the background check. The bill would not require a license holder to submit fingerprints for a license renewal if the person had previously submitted fingerprints when the license was first issued or as part of a prior renewal.

The board could administratively suspend or refuse to renew the license for a person who did not submit fingerprints for a license renewal. The board also could refuse to renew a license if the license holder had violated a board order. By September 1, 2019, the board would be required to obtain criminal history record information on each person who held a physician assistant license on September 1, 2017, and did not undergo a fingerprint-based background check as part of their initial license application. The board could suspend the license of a license holder who did not provide criminal history record information by that date.

Board member training. The bill would revise training requirements for Texas Physician Assistant Board members by adding training on:

- law governing board operations;
- the scope of and limitations on the board's rulemaking authority;
- laws relating to disclosing conflicts of interest; and
- other laws applicable to members of the board in performing their duties.

The executive director of the Texas Medical Board would be required to create and distribute a training manual with Texas Physician Assistant Board member training information as modified by the bill. Texas Physician Assistant Board members would be required to sign that they had received the manuals. After December 1, 2017, a board member could not vote, deliberate, or be counted as a member until he or she completed the additional training.

Board meetings. The bill would allow the Texas Physician Assistant Board to hold an executive session to conduct deliberations about a license application or disciplinary action, and would require the board to vote and announce its decision in open session. In an informal meeting for a contested licensing case, the bill would require at least one of the panelists to be a licensed physician assistant.

Effective date. The bill would take effect September 1, 2017.

NOTES:

A companion bill, HB 2143 by Cortez, was reported favorably by the House Public Health Committee on May 2 and placed on the General State Calendar for May 11.