

BILL ANALYSIS

Senate Research Center

H.B. 1149
By: Turner, Sylvester (Barrientos)
Economic Development
4-27-97
Engrossed

DIGEST

Currently, the Texas Professional Association Act authorizes licensed podiatrists and doctors of medicine to form professional associations. The statute has been interpreted by some to mean that professional associations co-owned by licensed podiatrists and doctors of medicine may be prohibited by other provisions of the Act. This bill would clarify that licensed podiatrists and licensed doctors of medicine and osteopathy may form professional associations.

PURPOSE

As proposed, H.B. 1149 authorizes licensed podiatrists and licensed doctors of medicine and osteopathy to form professional associations that are jointly owned by those practitioners.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2(B), Article 1528f, V.T.C.S. (Texas Professional Association Act), to require all members of an association to be licensed to perform the type of professional service for which the association is formed, except as provided by Subdivision (2). Authorizes doctors of medicine and osteopathy licensed by the Texas State Board of Medical Examiners and podiatrists licensed by the Texas State Board of Podiatric Medical Examiners to form an association that is jointly owned by those practitioners to perform a professional service that falls within the scope of practice of those practitioners. Provides that when doctors of medicine, osteopathy, and podiatry form an association that is jointly owned by those practitioners, the authority of each of the practitioners is limited by the scope of practice of the respective practitioners and none can exercise control over the other's clinical authority granted by their respective licenses, either through agreements, bylaws, directives, financial incentives, or other arrangements that would assert control over treatment decisions made by the practitioner. Provides that the Texas State Board of Medical Examiners and the Texas State Board of Podiatric Examiners continue to exercise regulatory authority over their respective licenses.

SECTION 2. Emergency clause.
Effective date: upon passage.