

BILL ANALYSIS

Senate Research Center

S.B. 1206
By: Cain
Health Services
4/11/1999
As Filed

DIGEST

Currently, the Medical Practice Act, Article 4495b, V.T.C.S., is used to license physicians in Texas. The Medical Practice Act assures that physicians who are seeking licensure in Texas via endorsement or original license are reviewed, examined, and evaluated according to the appropriate standards. The Texas State Board of Medical Examiners (board) is the state agency created by the legislature to carry out the constitutional mandate of article XVI, Section 31, Texas Constitution, which requires the legislature to pass laws prescribing the qualifications of practitioners of medicine in this state and punishing persons for malpractice. Since its inception, the Medical Practice Act has been amended to adapt to changing social, educational, and economic times. S.B. 1206 would set forth provisions regarding examinations accepted or administered for licensure of physicians.

PURPOSE

As proposed, S.B. 1206 sets forth provisions regarding examinations accepted or administered for licensure of physicians.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas State Board of Medical Examiners in Sections 3.05(a) (e), (g), and (l) (Article 4495b, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3.05, Article 4495b, V.T.C.S.(Medical Practice Act), to authorize the Texas State Board of Medical Examiners (board) to administer or accept certain examinations for licensure as determined by rule. Requires all examinations used by the board for licensure to practice medicine to be in writing in the English language and in a manner that is entirely fair and impartial to all individuals and to every school system of medicine. Requires applicants who wish to request reasonable and appropriate accommodations due to a documented disability to submit a request in writing when filing an application. Requires examinations to include subjects generally taught by medical schools, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine or doctor of osteopathy conferred by schools in Texas. Requires the board to administer the Texas medical jurisprudence examination to all applicants. Requires the minimum passing grade for all examinations used by the board to be determined by rule. Requires examinations administered to evaluate basic medical knowledge and clinical competency to be prepared by a national testing service or to be prepared by the board and validated by qualified independent testing professionals. Requires all questions and answers, with grades attached, to be preserved for one year as the board may direct, by rule. Requires all applicants to be given due notice of the date and place of an examination, if the examination is to be administered by the board. Requires, within 120 days after the date on which an examination is administered by the board, each examinee to be notified of the results of an examination. Requires the board however, if an examination is graded or reviewed by a national testing service, to notify each examinee of the results of an examination not later than 30 days after the date the board receives the results from the testing service. Requires all parts of the National Board of Osteopathic Medical Examiners examination, the National Board of Medical Examiners examination, the Medical Council of Canada Examination, the Federation Licensing Examination after May 1985, and the United States Medical Licensing Examination to be passed within seven years. Requires an applicant to pass each part of an examination described in Subsection (a) of this section within three attempts, except that an applicant may attempt to pass one part of the examination a fourth time. Requires the board to adopt rules as necessary to implement Subsection (k) of this section. Deletes existing Subsections (a), (b), (c), (d), (e), and (f).

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