

BILL ANALYSIS

Senate Research Center
80R18934 E

C.S.H.B. 1973
By: Delisi (Nelson)
Health & Human Services
5/7/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Medical Board (board) is charged with the oversight and processing of physician licensing in Texas. Recently, there has been an increase in the number of physician license application, causing a backlog of license processing at the board.

C.S.H.B. 1973 creates a planning and reporting policy administered by the executive director of the Texas Medical Board (executive director) and carried out by the board to facilitate the timely processing of physician license applications. This bill requires the executive director to seek more efficient ways to process the applications and to report a needs assessment on the licensure process each year to the governor, Legislative Budget Board, and relevant legislative committees.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Medical Board is modified in SECTION 5 (Section 155.1025, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 153, Occupations Code, by adding Section 153.016, as follows:

Sec. 153.016. EXPERT TESTIMONY. Prohibits a member of the Texas Medical Board (board) from serving as an expert witness in a suit involving a health care liability claim against a physician for injury to or death of a patient unless the member receives approval from the executive committee to serve as an expert witness.

SECTION 2. Amends Section 155.007, Occupations Code, by adding Subsections (h), (i), (j), (k), (l), (m) and (n), as follows:

(h) Requires the executive director of the Texas Medical Board (executive director), not later than January 1 of each year, to review the policy and procedures the board uses to issue licenses and to issue a report to certain officials and entities on the state of the board's licensing process. Requires the board, not later than January 1 of each year, to perform a needs assessment to enable the board to determine the performance goals that the board is required to meet to reduce any unreasonable delays in the timely completion of the licensing process and to ensure the process is completed in a reasonable number of days.

(i) Requires the executive director, not later than August 1 of each even-numbered year, to issue a report to certain officials on the state of the board's licensing process.

(j) Requires the report required under Subsection (i) to include a projected yearly budget for board staffing and technology improvements that will allow the board to issue licenses within a reasonable number of days.

(k) Requires the board and the executive director to ensure that any change in licensing policies or procedures is made only to increase the number of licenses issued under this chapter, reduce unreasonable delays in the licensing process, and maintain public safety.

(l) Requires the report required under Subsection (i) to include any specialty certification information collected from applicants, including any information similar to information collected under Section 154.006 (Physician Profiles), the location where each applicant intends to practice, and in aggregate form, data collected since the prior report relating to felony convictions, Class A and Class B misdemeanor convictions, and deferred adjudications for felonies and Class A and Class B misdemeanors.

(m) Requires the board, not later than August 31, 2008, to ensure that the average time to process license applications under this chapter does not exceed 51 days. Requires the board to include the board's progress toward this performance measure target in the report required under Subsection (i).

(n) Requires the board to make an effort to give priority to an application submitted by an applicant who informs the board that the applicant intends to practice in a medically underserved area of this state.

SECTION 3. Amends Section 155.008, Occupations Code, as follows:

Sec. 155.008. CRIMINAL RECORD CHECK. (a) Creates this subsection from existing text.

(b) Requires each applicant to submit information to the board detailing any conviction for a felony or a Class A or Class B misdemeanor or a deferred adjudication for a felony or Class A or Class B misdemeanor for a violation relating to Medicare, Medicaid or insurance fraud, the Texas Controlled Substances Act or intoxication or alcoholic beverage offenses, sexual or assaultive offenses, and tax fraud or evasion.

SECTION 4. Amends Section 156.001, Occupations Code, by adding Subsection (e), as follows:

(e) Requires a license holder, in addition to the information required by Subsection (c), to submit to the board with the registration permit renewal application information not reported on a license application or a previous permit renewal application relating to a felony conviction, a conviction for a Class A or Class B misdemeanor, or a deferred adjudication for a felony offense or Class A or Class B misdemeanor offense for Medicare, Medicaid or insurance fraud, the Texas Controlled Substances Act or intoxication or alcoholic beverage offenses, sexual or assaultive offenses, and tax fraud or evasion.

SECTION 5. Amends Section 155.1025(a), Occupations Code, as follows:

(a) Deletes existing text requiring the board to adopt rules for expediting any application for a license under this subtitle made by a person who is licensed to practice medicine in another state or country and who submits an affidavit with the application containing certain information.

SECTION 6. Effective date: upon passage or September 1, 2007.