

BILL ANALYSIS

Senate Research Center
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S.B. 61
By: Nelson et al.
Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some of the physicians serving military personnel and veterans in Texas are not licensed in Texas, but hold medical licenses in their home state. Currently, these physicians cannot provide charitable care to other patient populations in Texas, such as the uninsured, because they do not hold a Texas medical license.

S.B. 61 creates a "military limited volunteer license" to allow active and retired military physicians who do not hold a Texas medical license to provide charitable care in Texas.

Specifically, S.B. 61 directs the Texas Medical Board to adopt rules to allow the issuance of a "military limited volunteer license" for active and retired military physicians who meet certain requirements, requires that a physician practicing under the volunteer license practice only at a clinic that primarily treats indigent patients, and prohibits a physician practicing under the volunteer license from receiving compensation for services provided under the license.

As proposed, S.B. 61 amends current law relating to the licensing and regulation of military physicians who provide voluntary charity health care.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Medical Board in SECTION 2 (Section 155.103, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subchapter C, Chapter 155, Occupations Code, to read as follows:

SUBCHAPTER C. CERTAIN TEMPORARY OR LIMITED LICENSES OR PERMITS

SECTION 2. Amends Subchapter C, Chapter 155, Occupations Code, by adding Section 155.103, as follows:

Sec. 155.103 **MILITARY LIMITED VOLUNTEER LICENSE.** (a) Requires the Texas Medical Board (TMB) to adopt rules relating to the issuance of a military limited volunteer license under this section.

(b) Authorizes TMB to issue a military limited volunteer license to practice medicine to an applicant who:

- (1) is licensed and in good standing, or was licensed and retired in good standing, as a physician in another state;
- (2) is or was authorized as a physician to treat personnel enlisted in a branch of the United States armed forces or veterans; and
- (3) meets any other requirement prescribed by TMB rule.

(c) Prohibits TMB from issuing a license under this section to an applicant who:

(1) holds a medical license that is currently under active investigation, or is or was the subject to a disciplinary order or action or to denial by another jurisdiction;

(2) holds a license to prescribe, dispense, administer, supply, or sell a controlled substance that is currently under active investigation, or is or was subject to a disciplinary order or action or to denial by another jurisdiction; or

(3) has been convicted of, is on deferred adjudication community supervision or deferred disposition for, or is under active investigation for the commission of a felony or a misdemeanor involving moral turpitude.

(d) Authorizes a physician to practice medicine under a license issued under this section only at a clinic that primarily treats indigent patients. Prohibits the physician from receiving compensation for medical services rendered at the clinic.

(e) Provides that a military limited volunteer license holder is subject to TMB rules, including rules regarding disciplinary action, license registration and renewal, and continuing medical education.

SECTION 3. Effective date: September 1, 2013.