

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1625  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1625 expands the whistleblower protections currently provided to nurses in Section 301.352, Occupations Code, to physician assistants (PAs). The bill establishes legal protections for PAs who refuse to engage in an act or omission relating to patient care, that would risk their medical license. It also seeks to protect PAs who inform a person they intend to refuse to engage in an act or omission that they believe constitute grounds for reporting to the Texas Physician Assistant Board (PAB). A person who takes retaliatory action against a PA may be subject to adverse action by his governing board.

S.B. 1625 includes provisions which describe situations that would not fall under this bill, including if the act or omission that the PA refused to engage in does in fact become an act or omission that requires reporting to PAB. Furthermore, should the person take action against the PA for refusing to engage in a reportable act or omission, that person can withdraw their complaint and compensate the PA for lost wages and benefits. By withdrawing the complaint and providing compensation, the person would be exempted from the related licensure action taken by his governing board against him.

Because PAs work under physician supervision and often within collaborative medical practices, the bill prohibits contracts that nullify the terms of this bill.

The statute recognizes that nurses and other medical professionals who work under physician supervision, are in a uniquely challenging position if they are directed by their supervising physician to act contrary to the medical ethics governing their profession. By refusing to comply with their physician's request, they risk being fired. By carrying out the inappropriate action, they risk being sanctioned. This bill helps to ensure that PAs continue to side with their patients.

As proposed, S.B. 1625 amends current law relating to protection for physician assistants who refuse to engage in certain conduct.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter E, Chapter 204, Occupations Code, by adding Section 204.210, as follows:

Sec. 204.210. PROTECTION FOR REFUSAL TO ENGAGE IN CERTAIN CONDUCT.

(a) Prohibits a person from suspending, terminating, or otherwise disciplining, discriminating against, or retaliating against a physician assistant (PA) who refuses to engage in an act or omission as provided by Subsection (b) or a person who advises a PA of the PA's rights under this section.

(b) Authorizes a PA to refuse to engage in an act or omission relating to patient care that would constitute grounds for reporting the PA to the Texas Physician Assistant Board (PAB) under Section 204.208 (Duty to Report; Medical Peer

Review) or that violates this chapter (Physician Assistants) or a rule adopted under this chapter if the PA notifies the person at the time of the refusal of certain reasons for refusing.

(c) Provides that an act by a person under Subsection (a) does not constitute a violation of this section if a medical peer review committee determines:

(1) that the act or omission the PA refused to engage in was not:

(A) conduct reportable to PAB under Section 204.208; or

(B) a violation of this chapter or a rule adopted under this chapter;  
or

(2) that:

(A) the act or omission in which the PA refused to engage was conduct reportable to PAB or a violation of this chapter or a rule adopted under this chapter; and

(B) the person:

(i) rescinds any disciplinary or discriminatory action taken against the PA;

(ii) compensates the PA for any lost wages; and

(iii) restores to the PA any lost benefits.

(d) Prohibits a PA's rights under this section from being nullified by a contract.

(e) Authorizes an appropriate licensing agency to take action against a person who violates this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.