

BILL ANALYSIS

Senate Research Center
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S.B. 1086
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Physician Health Program (TXPHP) provides confidential early intervention, treatment, and post-treatment monitoring for health professionals under the Texas Medical Board's jurisdiction who may not be able to practice safely due to an impairing health condition. The mission of the Texas Physician Health Program is to protect the health of Texans and to promote the best quality of care by serving participants affected by substance use disorders, physical illness and impairment, and/or psychiatric conditions. This is done by providing education, recognition, and assistance in diagnosis and treatment through a recovery program adapted and monitored according to participants' specific needs.

Current Texas law outlining the TXPHP requires participants to pay an annual fee of \$1,200. The current annual operating expenditures of TXPHP are \$916,385. This includes the cost of TXPHP salaries, direct program expenditures and employee benefits. At these amounts, the TXPHP is operating at a deficit of \$ 368,705. To fix this deficit, we should eliminate the \$1,200 annual fee charged to program participants. Instead, an annual surcharge between \$10 to \$15 will be collected from Texas Medical Board licensees for first and renewal registration permits to administer the TXPHP.

S.B. 1086 amends the Occupations Code by removing the \$1,200 annual fee that is collected from all Texas Physician Health Program participants. A surcharge that is not to exceed \$15 will be required at the time of license issuance for first-time licensees and upon renewal of a registration permit. The Texas Medical Board will be tasked with collecting and depositing each surcharge to the credit of the TXPHP account, which is a special account in the general revenue fund. Money in this account will only be appropriated to the Medical Board to pay for the administration of the TXPHP, including paying for the initial evaluation by the program's director. This account may not be used to pay for costs incurred from program participants, including any further required evaluations, primary treatment, or continuation of care.

As proposed, S.B. 1086 amends current law relating to the administration of the Texas Physician Health Program and authorizes a surcharge.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Medical Board is modified in SECTION 1 (Section 153.051, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Medical Board is rescinded in SECTION 3 (Section 167.011, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.051(d), Occupations Code, as follows:

(d) Prohibits the Texas Medical Board (TMB) from setting, charging, collecting, receiving, or depositing any of the following fees in excess of:

(1)-(9) makes no changes to these subdivisions; or

(10) \$15 for a surcharge under Section 153.053 to administer the Texas Physician Health Program (TXPHP), due at the time of license issuance and registration permit renewal.

Deletes existing text prohibiting an annual fee under Section 167.011(c) (relating to an annual fee to partially offset program cost of TXPHP) for a program participant in the TXPHP from exceeding \$1,200.

SECTION 2. Amends Subchapter B, Chapter 153, Occupations Code, by adding Section 153.053, as follows:

Sec. 153.053. SURCHARGE TO ADMINISTER TEXAS PHYSICIAN HEALTH PROGRAM. (a) Requires TMB to collect an additional surcharge not to exceed \$15 for each of the following fees:

- (1) first registration permit; and
- (2) renewal of a registration permit.

(b) Requires TMB to deposit each surcharge collected under this section to the credit of the TXPHP account. Provides that the TXPHP account is a special account in the general revenue fund. Requires that money in the special account be appropriated only to TMB to pay for administration of TXPHP under Chapter 167 (Texas Physician Health Program), including paying for an initial evaluation by TXPHP's medical director or the director's designee. Prohibits money in the special account from being used to pay for TXPHP participant costs incurred for monitoring or for a TXPHP participant's own medical costs, including any further required evaluations, primary treatment, or continuing care.

SECTION 3. Repealer: Section 167.011 (Funding; Fees), Occupations Code.

SECTION 4. Makes application of Section 153.051, Occupations Code, as amended by this Act, and Section 153.053, Occupations Code, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2023.