

AN ACT

relating to certain duties of the Texas Medical Board in licensing and expert testimony.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 153, Occupations Code, is amended by adding Section 153.016 to read as follows:

Sec. 153.016. EXPERT TESTIMONY. A member of the board may not serve as an expert witness in a suit involving a health care liability claim against a physician for injury to or death of a patient.

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

(h) Not later than January 1 of each year:

(1) the executive director shall review the policy and procedures the board uses to issue licenses; and

(2) the board shall perform a needs assessment to enable the board to determine the performance goals that the board must 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) Not later than August 1 of each even-numbered year, the executive director shall issue a report to the governor, the Legislative Budget Board, and the relevant committees of the senate

1 and the house of representatives on the state of the board's
2 licensing process.

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

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

12 (l) The report required under Subsection (i) must include:

13 (1) any specialty certification information collected
14 from applicants, including any information similar to information
15 collected under Section 154.006;

16 (2) the location where each applicant intends to
17 practice; and

18 (3) in aggregate form, data collected since the prior
19 report relating to felony convictions, Class A and Class B
20 misdemeanor convictions, and deferred adjudications for felonies
21 and Class A and Class B misdemeanors.

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

27 (n) The board shall make an effort to give priority to an

1 application submitted by an applicant who informs the board that
2 the applicant intends to practice in a medically underserved area
3 of this state.

4 SECTION 3. Section 155.008, Occupations Code, is amended to
5 read as follows:

6 Sec. 155.008. CRIMINAL RECORD CHECK. (a) The board may
7 submit to the Department of Public Safety a complete set of
8 fingerprints of each license applicant, and the department shall
9 classify and check the fingerprints against those in the
10 department's fingerprint records. The department shall certify to
11 the board its findings regarding the criminal record of the
12 applicant or the applicant's lack of a criminal record.

13 (b) Each applicant shall submit information to the board
14 detailing any conviction for a felony or a Class A or Class B
15 misdemeanor or a deferred adjudication for a felony or Class A or
16 Class B misdemeanor for a violation relating to:

17 (1) Medicare, Medicaid or insurance fraud;

18 (2) the Texas Controlled Substances Act or
19 intoxication or alcoholic beverage offenses;

20 (3) sexual or assaultive offenses; and

21 (4) tax fraud or evasion.

22 SECTION 4. Section 156.001, Occupations Code, is amended by
23 adding Subsection (e) to read as follows:

24 (e) In addition to the information required by Subsection
25 (c), a license holder shall submit to the board with the
26 registration permit renewal application information not reported
27 on a license application or a previous permit renewal application

1 relating to a felony conviction, a conviction for a Class A or Class
2 B misdemeanor, or a deferred adjudication for a felony offense or
3 Class A or Class B misdemeanor offense for:

4 (1) Medicare, Medicaid or insurance fraud;

5 (2) the Texas Controlled Substances Act or
6 intoxication or alcoholic beverage offenses;

7 (3) sexual or assaultive offenses; and

8 (4) tax fraud or evasion.

9 SECTION 5. Section 155.1025(a), Occupations Code, is
10 amended to read as follows:

11 (a) The board shall adopt rules for expediting any
12 application for a license under this subtitle made by a person who
13 ~~[is licensed to practice medicine in another state or country and~~
14 ~~who]~~ submits an affidavit with the application stating that:

15 (1) the applicant intends to practice in a rural
16 community~~[, as determined by the Office of Rural Community~~
17 ~~Affairs]~~; or

18 (2) the applicant~~+~~
19 ~~[(A) has requested and is eligible for an~~
20 ~~immigration visa waiver as described by Section 12.0127, Health and~~
21 ~~Safety Code, and~~

22 ~~[(B)]~~ intends to practice medicine in a medically
23 underserved area or health professional shortage area, designated
24 by the United States Department of Health and Human Services, that
25 has a current shortage of physicians.

26 SECTION 6. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 1973

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1973 was passed by the House on April 18, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1973 on May 21, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1973 on May 26, 2007, by the following vote: Yeas 143, Nays 1, 2 present, not voting.

Chief Clerk of the House

H.B. No. 1973

I certify that H.B. No. 1973 was passed by the Senate, with amendments, on May 17, 2007, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1973 on May 26, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor