

1-1 By: Delisi (Senate Sponsor - Nelson) H.B. No. 1973
1-2 (In the Senate - Received from the House April 19, 2007;
1-3 April 26, 2007, read first time and referred to Committee on Health
1-4 and Human Services; May 8, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7,
1-6 Nays 0; May 8, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1973 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain duties of the Texas Medical Board in licensing
1-11 and expert testimony.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 153, Occupations Code, is
1-14 amended by adding Section 153.016 to read as follows:

1-15 Sec. 153.016. EXPERT TESTIMONY. A member of the board may
1-16 not serve as an expert witness in a suit involving a health care
1-17 liability claim against a physician for injury to or death of a
1-18 patient unless the member receives approval from the executive
1-19 committee to serve as an expert witness.

1-20 SECTION 2. Section 155.007, Occupations Code, is amended by
1-21 adding Subsections (h), (i), (j), (k), (l), (m), and (n) to read as
1-22 follows:

1-23 (h) Not later than January 1 of each year:

1-24 (1) the executive director shall review the policy and
1-25 procedures the board uses to issue licenses; and

1-26 (2) the board shall perform a needs assessment to
1-27 enable the board to determine the performance goals that the board
1-28 must meet to reduce any unreasonable delays in the timely
1-29 completion of the licensing process and to ensure the process is
1-30 completed in a reasonable number of days.

1-31 (i) Not later than August 1 of each even-numbered year, the
1-32 executive director shall issue a report to the governor, the
1-33 Legislative Budget Board, and the relevant committees of the senate
1-34 and the house of representatives on the state of the board's
1-35 licensing process.

1-36 (j) The report required under Subsection (i) must include a
1-37 projected yearly budget for board staffing and technology
1-38 improvements that will allow the board to issue licenses within a
1-39 reasonable number of days.

1-40 (k) The board and the executive director shall ensure that
1-41 any change in licensing policies or procedures is made only to
1-42 increase the number of licenses issued under this chapter, reduce
1-43 unreasonable delays in the licensing process, and maintain public
1-44 safety.

1-45 (l) The report required under Subsection (i) must include:

1-46 (1) any specialty certification information collected
1-47 from applicants, including any information similar to information
1-48 collected under Section 154.006;

1-49 (2) the location where each applicant intends to
1-50 practice; and

1-51 (3) in aggregate form, data collected since the prior
1-52 report relating to felony convictions, Class A and Class B
1-53 misdemeanor convictions, and deferred adjudications for felonies
1-54 and Class A and Class B misdemeanors.

1-55 (m) Not later than August 31, 2008, the board shall ensure
1-56 that the average time to process license applications under this
1-57 chapter does not exceed 51 days. The board shall include the
1-58 board's progress toward this performance measure target in the
1-59 report required under Subsection (i).

1-60 (n) The board shall make an effort to give priority to an
1-61 application submitted by an applicant who informs the board that
1-62 the applicant intends to practice in a medically underserved area
1-63 of this state.

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

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

(b) Each applicant shall 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:

- (1) Medicare, Medicaid or insurance fraud;
- (2) the Texas Controlled Substances Act or intoxication or alcoholic beverage offenses;
- (3) sexual or assaultive offenses; and
- (4) tax fraud or evasion.

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

(e) In addition to the information required by Subsection (c), a license holder shall 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:

- (1) Medicare, Medicaid or insurance fraud;
- (2) the Texas Controlled Substances Act or intoxication or alcoholic beverage offenses;
- (3) sexual or assaultive offenses; and
- (4) tax fraud or evasion.

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

(a) The board shall 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 stating that:

- (1) the applicant intends to practice in a rural community~~[, as determined by the Office of Rural Community Affairs];~~ or
- (2) the applicant~~[-~~
 - ~~[(A) has requested and is eligible for an immigration visa waiver as described by Section 12.0127, Health and Safety Code; and~~
 - ~~[(B)]~~ intends to practice medicine in a medically underserved area or health professional shortage area, designated by the United States Department of Health and Human Services, that has a current shortage of physicians.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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