

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Delisi

H.B. No. 1973

A BILL TO BE ENTITLED

AN ACT

relating to the procedure regarding an application for a physician's license or registration.

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

SECTION 1. Section 155.007, Occupations Code, is amended by adding Subsections (h), (i), (j), (k), (l), and (m) 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;

(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; and

(3) the executive director shall issue a report to the governor, the Legislative Budget Board, and the relevant committees of the senate and the house of representatives on the state of the board's licensing process.

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

(j) The board and the executive director shall ensure that

1 any change in licensing policies or procedures is made only to  
2 increase the number of licenses issued under this chapter, reduce  
3 unreasonable delays in the licensing process, and maintain public  
4 safety.

5 (k) The report required under Subsection (h)(3) must  
6 include:

7 (1) any specialty certification information collected  
8 from applicants, including any information similar to information  
9 collected under Section 154.006;

10 (2) the location where each applicant intends to  
11 practice; and

12 (3) in aggregate form, data collected since the prior  
13 report relating to felony convictions, Class A and Class B  
14 misdemeanor convictions, and deferred adjudications for felonies  
15 and Class A and Class B misdemeanors.

16 (l) Not later than August 31, 2008, the board shall ensure  
17 that the average time to process license applications under this  
18 chapter does not exceed 51 days. The board shall include the  
19 board's progress toward this performance measure target in the  
20 report required under Subsection (h)(3).

21 (m) The board shall make an effort to give priority to an  
22 application submitted by an applicant who informs the board that  
23 the applicant intends to practice in a medically underserved area  
24 of this state.

25 SECTION 2. Section 155.008, Occupations Code, is amended to  
26 read as follows:

27 Sec. 155.008. CRIMINAL RECORD CHECK. (a) The board may

1 submit to the Department of Public Safety a complete set of  
2 fingerprints of each license applicant, and the department shall  
3 classify and check the fingerprints against those in the  
4 department's fingerprint records. The department shall certify to  
5 the board its findings regarding the criminal record of the  
6 applicant or the applicant's lack of a criminal record.

7 (b) Each applicant shall submit information to the board  
8 detailing any conviction for a felony or a Class A or Class B  
9 misdemeanor or a deferred adjudication for a felony or Class A or  
10 Class B misdemeanor for a violation relating to:

11 (1) Medicare, Medicaid or insurance fraud;

12 (2) the Texas Controlled Substances Act or  
13 intoxication or alcoholic beverage offenses;

14 (3) sexual or assaultive offenses; and

15 (4) tax fraud or evasion.

16 SECTION 3. Section 156.001, Occupations Code, is amended by  
17 adding Subsection (e) to read as follows:

18 (e) In addition to the information required by Subsection  
19 (c), a license holder shall submit to the board with the  
20 registration permit renewal application information not reported  
21 on a license application or a previous permit renewal application  
22 relating to a felony conviction, a conviction for a Class A or Class  
23 B misdemeanor, or a deferred adjudication for a felony offense or  
24 Class A or Class B misdemeanor offense for:

25 (1) Medicare, Medicaid or insurance fraud;

26 (2) the Texas Controlled Substances Act or  
27 intoxication or alcoholic beverage offenses;

1           (3) sexual or assaultive offenses; and

2           (4) tax fraud or evasion.

3           SECTION 4. Section 155.1025(a), Occupations Code, is  
4 amended to read as follows:

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

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

12           (2) the applicant~~[+~~  
13           ~~[(A) has requested and is eligible for an~~  
14 ~~immigration visa waiver as described by Section 12.0127, Health and~~  
15 ~~Safety Code, and~~

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

20           SECTION 5. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2007.

**ADOPTED**

MAY 17 2007

*Atay Spaw*  
Secretary of the Senate

By: Delisi / Nelson

H.B. No. 1973

Substitute the following for H.B. No. 1973:

By: Nelson

C.S. H.B. No. 1973

A BILL TO BE ENTITLED

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 unless the member receives approval from the executive committee to serve as an expert witness.

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

1 Legislative Budget Board, and the relevant committees of the senate  
2 and the house of representatives on the state of the board's  
3 licensing process.

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

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

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

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

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

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

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

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

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

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

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

18                   (1) Medicare, Medicaid or insurance fraud;

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

21                   (3) sexual or assaultive offenses; and

22                   (4) tax fraud or evasion.

23           SECTION 4. Section 156.001, Occupations Code, is amended by  
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26 (c), a license holder shall submit to the board with the  
27 registration permit renewal application information not reported

1 on a license application or a previous permit renewal application  
2 relating to a felony conviction, a conviction for a Class A or Class  
3 B misdemeanor, or a deferred adjudication for a felony offense or  
4 Class A or Class B misdemeanor offense for:

5 (1) Medicare, Medicaid or insurance fraud;

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

8 (3) sexual or assaultive offenses; and

9 (4) tax fraud or evasion.

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

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

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

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

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

27 SECTION 6. This Act takes effect immediately if it receives



1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2007.



**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

May 7, 2007

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1973** by Delisi (Relating to certain duties of the Texas Medical Board in licensing and expert testimony.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1973, Committee Report 2nd House, Substituted: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>GENERAL REVENUE FUND</i> 1	Probable Revenue Gain from <i>GENERAL REVENUE FUND</i> 1
2008	(\$16,000)	\$16,000
2009	\$0	\$0
2010	\$0	\$0
2011	\$0	\$0
2012	\$0	\$0

**Fiscal Analysis**

The bill would amend the Occupations Code relating to the procedure regarding an application for a physician's license or registration.

Section 1 of the bill requires the Texas Medical Board (TMB) to complete an annual review of licensure policies and processes and complete a needs assessment to determine performance goals to ensure timely completion of the licensure process. The report must include a projected yearly budget for board staffing and technology improvements that would allow for license issuance within a reasonable number of days. Section 2 of the bill requires each applicant to submit detailed information to TMB on convictions or deferred adjudications for specified categories of violations. Section 3 of the bill requires existing license holders to submit with their renewal applications information on convictions or deferred adjudications for specified categories of violations.



The bill would take effect immediately upon receiving a two-thirds majority vote in each house. If the bill does not receive a two-thirds vote in each house, the bill would take effect September 1, 2007.

### **Methodology**

TMB anticipates that changes will be needed to both the on-line physician license application and physician registration/renewal application located on the TexasOnline website. TMB estimates that in order to accomplish the bill's requirements for annual reporting of applicant criminal history information the agency would need to update the agency's internal information technology systems.

TMB estimates a one-time cost of \$10,000 for TexasOnline for the changes needed to report criminal history information. In addition, the agency estimates a one-time contracted programming cost of \$6,000 (80 total hours of programming at a rate of \$75 per hour) in order to make updates to the agency's internal IT systems. The estimate includes analysis, design, coding, testing, and implementation of all aspects of the project. Project management functions would be handled by the agency's internal IT staff.

Based on the analysis of the agency, it is assumed that the Board would adjust license fees to cover any additional costs associated with the implementation of this bill.

### **Technology**

TMB estimates a one-time cost of \$16,000 in fiscal year 2008 for changes to the online physician license application and the physician registration renewal application.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 503 Texas Medical Board

**LBB Staff:** JOB, CL, MW, NV, RC



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 1, 2007**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1973** by Delisi (Relating to the procedure regarding an application for a physician's license or registration.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1973, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>GENERAL REVENUE FUND</i> 1	Probable Revenue Gain from <i>GENERAL REVENUE FUND</i> 1
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Based on the analysis of the agency, it is assumed that the Board would adjust license fees to cover any additional costs associated with the implementation of this bill.

### **Technology**

TMB estimates a one-time cost of \$16,000 in fiscal year 2008 for changes to the online physician license application and the physician registration renewal application.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 503 Texas Medical Board

**LBB Staff:** JOB, CL, MW, NV, RC



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 12, 2007**

**TO:** Honorable Dianne White Delisi, Chair, House Committee on Public Health

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1973** by Delisi (Relating to the procedure to process an application for a physician's license.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

This bill would amend the Occupations Code relating to the procedure to process an application for a physician's license.

Based on the analysis of the Texas Medical Board, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. If the bill does not receive a two-thirds vote in each house, the bill would take effect September 1, 2007.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 503 Texas Medical Board

**LBB Staff:** JOB, CL, MW, NV