

By: Uresti

S.B. No. 1625

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Physician Assistant Board and the licensing and regulation of physician assistants.

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

SECTION 1. Subchapter B, Chapter 204, Occupations Code, is amended by adding Section 204.0585 to read as follows:

Sec. 204.0585. EXECUTIVE SESSION. After hearing all evidence and arguments in an open meeting, the physician assistant board may conduct deliberations relating to a license application or disciplinary action in an executive session. The board shall vote and announce its decision in open session.

SECTION 2. Section 204.059, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing physician assistant board operations;

(2) the [~~this chapter and the physician assistant board's~~] programs, functions, rules, and budget of the physician assistant board;

(3) the scope of and limitations on the rulemaking authority of the physician assistant board;

(4) [~~(2)~~] the results of the most recent formal audit

1 of the physician assistant board;

2 (5) [~~(3)~~] the requirements of:

3 (A) laws relating to open meetings, public
4 information, administrative procedure, and disclosing conflicts of
5 interest; and

6 (B) other laws applicable to members of the
7 physician assistant board in performing their duties; and

8 (6) [~~(4)~~] any applicable ethics policies adopted by
9 the physician assistant board or the Texas Ethics Commission.

10 (d) The executive director of the medical board shall create
11 a training manual that includes the information required by
12 Subsection (b). The executive director shall distribute a copy of
13 the training manual annually to each physician assistant board
14 member. On receipt of the training manual, each board member shall
15 sign and submit to the executive director a statement acknowledging
16 receipt of the training manual.

17 SECTION 3. Subchapter D, Chapter 204, Occupations Code, is
18 amended by adding Section 204.1525 to read as follows:

19 Sec. 204.1525. CRIMINAL HISTORY RECORD INFORMATION
20 REQUIREMENT FOR LICENSE ISSUANCE. (a) The physician assistant
21 board shall require that an applicant for a license submit a
22 complete and legible set of fingerprints, on a form prescribed by
23 the board, to the board or to the Department of Public Safety for
24 the purpose of obtaining criminal history record information from
25 the Department of Public Safety and the Federal Bureau of
26 Investigation.

27 (b) The physician assistant board may not issue a license to

1 a person who does not comply with the requirement of Subsection (a).

2 (c) The physician assistant board shall conduct a criminal
3 history record information check of each applicant for a license
4 using information:

5 (1) provided by the individual under this section; and

6 (2) made available to the board by the Department of
7 Public Safety, the Federal Bureau of Investigation, and any other
8 criminal justice agency under Chapter 411, Government Code.

9 (d) The physician assistant board may:

10 (1) enter into an agreement with the Department of
11 Public Safety to administer a criminal history record information
12 check required under this section; and

13 (2) authorize the Department of Public Safety to
14 collect from each applicant the costs incurred by the Department of
15 Public Safety in conducting the criminal history record information
16 check.

17 SECTION 4. Section 204.153(a), Occupations Code, is amended
18 to read as follows:

19 (a) To be eligible for a license under this chapter, an
20 applicant must:

21 (1) successfully complete an educational program for
22 physician assistants or surgeon assistants accredited by the
23 Committee on Allied Health Education and Accreditation or by that
24 committee's predecessor or successor entities;

25 (2) pass the Physician Assistant National Certifying
26 Examination administered by the National Commission on
27 Certification of Physician Assistants;

1 (3) hold a certificate issued by the National
2 Commission on Certification of Physician Assistants;

3 (4) [~~be of good moral character,~~
4 [~~5~~] meet any other requirement established by
5 physician assistant board rule; and

6 (5) [~~6~~] pass a jurisprudence examination approved
7 by the physician assistant board as provided by Subsection (a-1).

8 SECTION 5. Section 204.156, Occupations Code, is amended by
9 amending Subsection (a) and adding Subsection (a-1) to read as
10 follows:

11 (a) A license issued under this chapter is valid for a term
12 of one or two years, as determined by physician assistant board
13 rule.

14 (a-1) On notification from the physician assistant board, a
15 person who holds a license under this chapter may renew the license
16 by:

- 17 (1) paying the required renewal fee;
18 (2) submitting the appropriate form; and
19 (3) meeting any other requirement established by board
20 rule.

21 SECTION 6. Subchapter D, Chapter 204, Occupations Code, is
22 amended by adding Section 204.1561 to read as follows:

23 Sec. 204.1561. CRIMINAL HISTORY RECORD INFORMATION
24 REQUIREMENT FOR RENEWAL. (a) An applicant for renewal of a
25 license issued under this chapter shall submit a complete and
26 legible set of fingerprints for purposes of performing a criminal
27 history record information check of the applicant as provided by

1 Section 204.1525.

2 (b) The physician assistant board may administratively
3 suspend or refuse to renew the license of a person who does not
4 comply with the requirement of Subsection (a).

5 (c) A license holder is not required to submit fingerprints
6 under this section for the renewal of the license if the holder has
7 previously submitted fingerprints under:

8 (1) Section 204.1525 for the initial issuance of the
9 license; or

10 (2) this section as part of a prior renewal of a
11 license.

12 SECTION 7. Subchapter D, Chapter 204, Occupations Code, is
13 amended by adding Section 204.158 to read as follows:

14 Sec. 204.158. REFUSAL FOR VIOLATION OF BOARD ORDER. The
15 physician assistant board may refuse to renew a license issued
16 under this chapter if the license holder is in violation of a
17 physician assistant board order.

18 SECTION 8. Subchapter E, Chapter 204, Occupations Code, is
19 amended by adding Section 204.210 to read as follows:

20 Sec. 204.210. PROTECTION FOR REFUSAL TO ENGAGE IN CERTAIN
21 CONDUCT. (a) A person may not suspend, terminate, or otherwise
22 discipline, discriminate against, or retaliate against:

23 (1) a physician assistant who refuses to engage in an
24 act or omission as provided by Subsection (b); or

25 (2) a person who advises a physician assistant of the
26 physician assistant's rights under this section.

27 (b) A physician assistant may refuse to engage in an act or

1 omission relating to patient care that would constitute grounds for
2 reporting the physician assistant to the physician assistant board
3 under Section 204.208 or that violates this chapter or a rule
4 adopted under this chapter if the physician assistant notifies the
5 person at the time of the refusal that the reason for refusing is
6 that the act or omission:

7 (1) constitutes grounds for reporting the physician
8 assistant to the physician assistant board; or

9 (2) is a violation of this chapter or a rule adopted
10 under this chapter.

11 (c) An act by a person under Subsection (a) does not
12 constitute a violation of this section if a medical peer review
13 committee determines:

14 (1) that the act or omission the physician assistant
15 refused to engage in was not:

16 (A) conduct reportable to the physician
17 assistant board under Section 204.208; or

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

20 (2) that:

21 (A) the act or omission in which the physician
22 assistant refused to engage was conduct reportable to the physician
23 assistant board or a violation of this chapter or a rule adopted
24 under this chapter; and

25 (B) the person:

26 (i) rescinds any disciplinary or
27 discriminatory action taken against the physician assistant;

1 (ii) compensates the physician assistant
2 for any lost wages; and

3 (iii) restores to the physician assistant
4 any lost benefits.

5 (d) A physician assistant's rights under this section may
6 not be nullified by a contract.

7 (e) An appropriate licensing agency may take action against
8 a person who violates this section.

9 SECTION 9. Section 204.313(a), Occupations Code, is amended
10 to read as follows:

11 (a) In an informal meeting under Section 204.312, at least
12 two panelists shall be appointed to determine whether an informal
13 disposition is appropriate. At least one of the panelists must be a
14 licensed physician assistant.

15 SECTION 10. (a) Except as provided by Subsection (b) of
16 this section, Section 204.059, Occupations Code, as amended by this
17 Act, applies to a member of the Texas Physician Assistant Board
18 appointed before, on, or after the effective date of this Act.

19 (b) A member of the Texas Physician Assistant Board who,
20 before the effective date of this Act, completed the training
21 program required by Section 204.059, Occupations Code, as that law
22 existed before the effective date of this Act, is only required to
23 complete additional training on the subjects added by this Act to
24 the training program required by Section 204.059, Occupations Code.
25 A board member described by this subsection may not vote,
26 deliberate, or be counted as a member in attendance at a meeting of
27 the board held on or after December 1, 2017, until the member

1 completes the additional training.

2 SECTION 11. Not later than September 1, 2019, the Texas
3 Physician Assistant Board shall obtain criminal history record
4 information on each person who, on the effective date of this Act,
5 holds a license issued under Chapter 204, Occupations Code, and did
6 not undergo a criminal history record information check based on
7 the license holder's fingerprints on the initial application for
8 the license. The Texas Physician Assistant Board may suspend the
9 license of a license holder who does not provide the criminal
10 history record information as required by the board and this
11 section.

12 SECTION 12. Section 204.210, Occupations Code, as added by
13 this Act, applies only to an act or omission that occurs on or after
14 the effective date of this Act. An act or omission that occurs
15 before the effective date of this Act is governed by the law in
16 effect on the date the act or omission occurred, and the former law
17 is continued in effect for that purpose.

18 SECTION 13. This Act takes effect September 1, 2017.