

By: Cortez, Oliverson, Guerra

H.B. No. 2143

A BILL TO BE ENTITLED

AN ACT

relating to protection for physician assistants who refuse to engage in certain conduct.

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

SECTION 1. Subchapter E, Chapter 204, Occupations Code, is amended by adding Section 204.210 to read as follows:

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

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

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

(b) A physician assistant may refuse to engage in an act or omission relating to patient care that would constitute grounds for reporting the physician assistant to the physician assistant board under Section 204.208 or that violates this chapter or a rule adopted under this chapter if the physician assistant notifies the person at the time of the refusal that the reason for refusing is that the act or omission:

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

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

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

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

6 (A) conduct reportable to the physician
7 assistant board under Section 204.208; or

8 (B) a violation of this chapter or a rule adopted
9 under this chapter; or

10 (2) that:

11 (A) the act or omission in which the physician
12 assistant refused to engage was conduct reportable to the physician
13 assistant board or a violation of this chapter or a rule adopted
14 under this chapter; and

15 (B) the person:

16 (i) rescinds any disciplinary or
17 discriminatory action taken against the physician assistant;

18 (ii) compensates the physician assistant
19 for any lost wages; and

20 (iii) restores to the physician assistant
21 any lost benefits.

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

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

26 SECTION 2. Section 204.210, Occupations Code, as added by
27 this Act, applies only to an act or omission that occurs on or after

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1 the effective date of this Act. An act or omission that occurs
2 before the effective date of this Act is covered by the law in
3 effect on the date the act or omission occurred, and the former law
4 is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2017.