

SUBJECT: Revising health care practices related to issuing disabled parking placards

COMMITTEE: Transportation — committee substitute recommended

VOTE: 9 ayes — Phillips, Darby, Bonnen, Y. Davis, Fletcher, Lavender,
Martinez, McClendon, Rodriguez

0 nays

2 absent — Harper-Brown, Pickett

WITNESSES: For — None

Against — None

On — Bruce Elfant

BACKGROUND: The Occupations Code contains requirements for the Texas Board of Medical Examiners, the Texas Board of Chiropractic Examiners, and the Texas Physician Assistant Board to adopt rules for continuing medical education of physicians, chiropractors, and physicians' assistants, respectively.

Occupations Code, sec. 105.002 sets forth standards of unprofessional conduct for health care providers. In addition to other possible sanctions, unprofessional conduct is a cause for the revocation or suspension of a provider's license or registration.

Transportation Code, ch. 681 establishes penalties for improperly using a parking spot designated for persons with disabilities.

DIGEST: CSHB 3064 would add as a standard for unprofessional conduct by a health care provider knowingly making a false or misleading statement to certify an ineligible person's eligibility to obtain a disabled parking placard.

The bill would amend continuing education requirements for physicians and physicians' assistants to include at least one hour on issuing a disabled parking placard, including information on punitive measures in the

Transportation Code. If the 82nd Legislature enacted a bill (HB 1683) that allowed chiropractors to issue placards, then the Board of Chiropractic Examiners would have to include a similar continuing education requirement.

The bill also would create a civil penalty of \$750 for improper use of a disabled parking space on private property payable to the government that designated the space. It also would raise fees for improperly using a parking space specially designated for disabled persons to:

- \$750-\$1,000 for a second offense (from \$500- \$800);
- \$1,000-\$1,250 for a third offense (from \$550-\$800);
- \$1,250-\$1,500 for a fourth offense (from \$800-\$1,100); and
- \$1,500 (from \$1,250) for more than four offenses.

The Governor's Committee on People with Disabilities would have to conduct a study to examine the improper use of disabled parking spaces, with an emphasis on the use of spaces at large buildings and facilities, and issue a report to the Legislature and the Texas Department of Licensing and Regulation by the end of 2012.

The bill would take effect September 1, 2011, and would apply to offenses on or after its effective date.

**SUPPORTERS
SAY:**

CSHB 3064 would help curb ongoing issues with the improper issuance of disabled parking placards. The abuse of disabled placards has been a perennial problem in the state. In addition to unauthorized vehicles using specially designated spaces, some people have received placards for conditions that do not truly warrant parking privileges.

In some cases, health care providers knowingly issue placards as a favor to patients who should not truly qualify for the privileges. More commonly, health care practitioners, such as physicians and physicians' assistants, improperly issue placards out of honest ignorance of the conditions that qualify a patient for parking privileges.

CSHB 3064 would confront both situations. The bill would deter health care providers from knowingly and improperly issuing a placard by explicitly making this a case of unprofessional conduct. More importantly, it would provide for continuing education requirements for health care providers who may issue the placards. The continuing education

requirements would be minimal and would not place an undue burden on health care professionals. Requiring a short refresher on issuing a disabled parking placard would be highly effective in reducing the number of unnecessary placards issued at little added inconvenience for practitioners.

OPPONENTS
SAY:

Continuing education requirements in CSHB 3064 would place an unnecessary burden on physicians and their assistants. Licensed practitioners receive training in medical school on conditions that impair mobility. Rigorous licensing requirements for these professions are sufficient to ensure that practitioners use their best judgment regarding the needs of their patients. The professional boards established in statute are given wide berth in setting continuing education requirements, and the boards have been very permissive in allowing physicians to determine what continuing education courses best serve their needs.

The bill would set an unfortunate precedent for the Legislature to dictate continuing education requirements for medical professionals, a practice that the current structure is established to avoid. Adding a specific requirement in statute would be contrary to this broad grant of authority necessary for such a wide range of specialties and circumstances. There are alternative means of providing refreshers to practitioners that issue placards — such as by compiling literature on the subject in an easily accessible location — that the Legislature should pursue prior to making a specific statutory requirement.

NOTES:

HB 1683 by Fletcher, which would allow chiropractors to issue parking placards, passed the House on the Local, Consent, and Resolutions Calendar on April 26 and was referred to the Senate Transportation and Homeland Security Committee on May 3.