

BILL ANALYSIS

Senate Research Center

S.B. 674
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Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas has a severe shortage of psychiatrists. A report required by the 83rd Legislature noted that as of September 2013, only 1,933 psychiatrists were actively licensed and offering direct care in Texas. Additionally, five of Texas' most populous counties had 63 percent of the state's psychiatrists but only 43 percent of the total population.

Furthermore, as of January 1, 2015, over two-thirds of Texas' counties were designated as Mental Health Professional Shortage Areas. Mental Health Professional Shortage Areas are defined as a geographic area with a ratio of 30,000 people to one psychiatrist.

S.B. 674 alleviates this issue by creating an expedited licensing process for out-of-state psychiatrists. Specifically, S.B. 674 requires the Texas Medical Board to create an expedited licensing process for applicants who hold an unrestricted license to practice medicine issued in another state, are board certified in psychiatry, and meet other general eligibility requirements.

The committee substitute for S.B. 674 makes it clear that the license renewal process cannot be more stringent for those who obtained their license via the expedited process. (Original Author's / Sponsor's Statement of Intent)

S.B. 674 amends current law relating to licensing for certain health professions, including an expedited process for certain physicians specializing in psychiatry and authorizes a fee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Medical Board (TMB) in SECTION 1 (Section 155.010, Occupations Code) of this bill.

Rulemaking authority previously granted to TMB is modified in SECTION 5 (Section 205.251, Occupations Code) of this bill.

Rulemaking authority previously granted to an agency that licenses the practitioner under whom the person performs radiologic procedures [defined as the Texas Board of Chiropractic Examiners; TMB; the Texas State Board of Podiatric Medical Examiners; and the Texas State Board of Dental Examiners (TSBDE)] is rescinded in SECTION 12 (Section 601.252, Occupations Code) of this bill.

Rulemaking authority is expressly granted to TSBDE in SECTION 12 (Section 601.252, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 155, Occupations Code, by adding Section 155.010, as follows:

Sec. 155.010. EXPEDITED LICENSING PROCESS FOR PHYSICIANS SPECIALIZING IN PSYCHIATRY. (a) Requires the Texas Medical Board (TMB) to by rule create an expedited licensing process for an applicant who holds an unrestricted license to practice medicine issued by another state, is board certified in psychiatry by the

American Board of Psychiatry and Neurology or the American Osteopathic Board of Neurology and Psychiatry, and is not ineligible under Section 155.003(e) (relating to an applicant's ineligibility for a license under certain circumstances).

(b) Requires that the expedited licensing process include a procedure for TMB to screen applications under this subtitle (Physicians) to determine whether an applicant would be eligible for the expedited licensing process.

(c) Prohibits the requirements for renewal of a registration permit for a license holder issued a license under this section from being more stringent than the requirements for a license holder issued a license on a non-expedited basis.

(d) Authorizes TMB to establish a fee for the expedited process.

(e) Provides that this section expires January 1, 2022.

SECTION 2. Amends Section 155.056, Occupations Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires an applicant, except as provided by Subsection (a-1), to pass each part of an examination within three attempts.

(a-1) Provides that the limit on the number of examination attempts under Subsection (a) does not apply to the Texas medical jurisprudence examination.

SECTION 3. Amends Subchapter A, Chapter 156, Occupations Code, by adding Section 156.010, as follows:

Sec. 156.010. REFUSAL FOR VIOLATION OF BOARD ORDER. Authorizes TMB to refuse to renew a registration permit issued under this chapter (Registration of Physicians) if the license holder is in violation of a TMB order.

SECTION 4. Amends the heading to Section 205.251, Occupations Code, to read, as follows:

Sec. 205.251. RENEWAL REQUIRED.

SECTION 5. Amends Section 205.251(a), Occupations Code, to require TMB, by rule, to provide for the annual or biennial renewal of a license to practice acupuncture.

SECTION 6. Amends Subchapter F, Chapter 205, Occupations Code, by adding Section 205.256, as follows:

Sec. 205.256. REFUSAL FOR VIOLATION OF BOARD ORDER. Authorizes the Texas State Board of Acupuncture Examiners (TSBAE) to refuse to renew a license issued under this chapter (Acupuncture) if the license holder is in violation of a TSBAE order.

SECTION 7. Amends Subchapter E, Chapter 206, Occupations Code, by adding Section 206.215, as follows:

Sec. 206.215. REFUSAL FOR VIOLATION OF BOARD ORDER. Authorizes TMB to refuse to renew a license issued under this chapter (Surgical Assistants) if the license holder is in violations of a TMB order.

SECTION 8. Amends Subchapter C, Chapter 601, Occupations Code, by adding Section 601.113, as follows:

Sec. 601.113. REFUSAL FOR VIOLATION OF BOARD ORDER. Authorizes the Texas Board of Medical Radiologic Technology (TBMRT) to refuse to renew a certificate issued under this chapter (Medical Radiologic Technologists) if the certificate holder is in violation of a TBMRT order.

SECTION 9. Amends Section 601.155, Occupations Code, as follows:

Sec. 601.155. STUDENTS. Deletes existing text exempting a person from complying with the registration requirements adopted under Section 601.252 (Requirement to Adopt Rules) if the person is a certain student or performing a radiologic procedure in a certain setting.

SECTION 10. Amends Section 601.156, Occupations Code, as follows:

Sec. 601.156. PROCEDURE PERFORMED AS PART OF CONTINUING EDUCATION PROGRAM. Deletes existing text exempting a person from complying with the registration requirements adopted under Section 601.252 under certain circumstances.

SECTION 11. Amends Section 601.203(b), Occupations Code, as follows:

(b) Provides that the following conditions are considered to be a hardship for the purposes of Subsection (a) (relating to TBMRT's requirement of exempting applicants from certain requirements if the applicant shows a hardship in employing a certain certified person):

(1) that the applicant:

(A) reports an inability to attract and retain medical radiologic technologists; and

(B) is located in a county with a population of less than 50,000;

(2) through (5) makes no changes to these subdivisions.

SECTION 12. Amends Sections 601.252(c) and (d), Occupations Code, as follows:

(c) Requires that rules adopted under this section by the Texas State Board of Dental Examiners (TSBDE) require an authorized person who performs radiologic procedures under the delegation of a dentist, other than a registered nurse, to register with TSBDE, rather than register with the agency that licenses the practitioner under whom the person performs radiologic procedures. Changes a reference to an agency to TSBDE.

(d) Makes a conforming change.

SECTION 13. Amends Subchapter E, Chapter 602, Occupations Code, by adding Section 602.214, as follows:

Sec. 602.214. REFUSAL FOR VIOLATION OF BOARD ORDER. Authorizes TMB to refuse to renew a license issued under this chapter (Medical Physicists) if the license holder is in violation of a medical board order.

SECTION 14. Amends Section 603.252(a), Occupations Code, to require an applicant for a perfusionist license to submit an application, rather than a sworn application, accompanied by the application fee.

SECTION 15. Amends Subchapter G, Chapter 603, Occupations Code, by adding Section 603.306, as follows:

Sec. 603.306. REFUSAL FOR VIOLATION OF BOARD ORDER. Authorizes TMB to refuse to renew a license issued under this chapter (Perfusionists) if the license holder is in violation of a TMB order.

SECTION 16. Amends Subchapter D, Chapter 604, Occupations Code, by adding Section 604.158, as follows:

Sec. 604.158. REFUSAL FOR VIOLATION OF BOARD ORDER. Authorizes the Texas Board of Respiratory Care (TBRC) to refuse to renew a certificate or temporary permit issued under this chapter (Respiratory Care Practitioners) if the certificate or permit holder is in violation of a TBRC order.

SECTION 17. Requires TMB to create and implement the expedited licensing process under Section 155.010, Occupations Code, as added by this Act, not later than January 1, 2018.

SECTION 18. Effective date: September 1, 2017.