

TEXAS MEDICAL BOARD

H.B. 3040 Burkett (Hinojosa) — Sunset Bill (Not Enacted)

H.B. 2561 S. Thompson (V. Taylor) — Prescription Monitoring Program

S.B. 315 Hinojosa (Burkett) — Subpoena Authority and Pain Management Regulation

S.B. 674 Schwertner (S. Davis) — Licensing Provisions and Elimination of Dual Registration

S.B. 1625 Uresti (Cortez) — Physician Assistant Licensing and Board Provisions

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House Bill 3040, the bill that contained the Sunset Commission's statutory recommendations for the Texas Medical Board, including continuing the regulation of medicine, did not pass. While the Senate passed the companion to House Bill 3040, Senate Bill 315, this bill had a far more narrow scope, retaining only the recommendations on the Medical Board's subpoena authority and its regulation of pain management clinics. However, several of the Sunset Commission's other Medical Board recommendations passed in separate bills, and the commission also adopted five nonstatutory management actions the board must implement.

Prescription Monitoring Program

- Beginning September 1, 2019, require physicians and physician assistants to check the Prescription Monitoring Program database before prescribing certain controlled substances, with certain exemptions. (H.B. 2561)
- Require the Texas Medical Board and Texas Physician Assistant Board to develop guidelines for responsible prescribing of certain controlled substances and to monitor prescribing patterns of licensees, and allow the boards to open investigations based on information obtained from the Prescription Monitoring Program. (H.B. 2561)
- Require the medical and physician assistant boards to provide licensee information to the pharmacy board, and require the pharmacy board to use this information to automatically register practitioners to use the Prescription Monitoring Program. (H.B. 2561)

Pain Management Clinic Regulation

- Authorize the Medical Board to seek court enforcement of its administrative subpoenas for pain management clinic records. (S.B. 315)

- Amend the pain management clinic statute to clarify the definition of “inappropriate prescribing” to include nontherapeutic prescribing. (S.B. 315)
- Clarify statute to authorize the Medical Board to inspect an unregistered pain management clinic. (S.B. 315)
- Direct the Medical Board to use Prescription Monitoring Program data, along with other factors, to establish a risk-based approach to scheduling pain management clinic inspections. (Management action – nonstatutory)

Enforcement

- Require at least one of the physician assistant board members participating in an informal settlement conference as a panelist to be a board member who is a licensed physician assistant. (S.B. 1625)

Licensing

- Clarify statute to authorize the physician assistant board to conduct fingerprint-based criminal background checks of physician assistant licensure applicants. (S.B. 1625)
- Remove needless qualifications for physician assistant licensure applicants that restrict entry to practice. (S.B. 1625)
- Remove the limitation on the number of times an applicant can take the Medical Board’s jurisprudence exam. (S.B. 674)
- Remove the unnecessary affidavit requirement for individuals applying for perfusionist licensure. (S.B. 674)
- Authorize biennial license renewal for physician assistant and acupuncturist licensees. (S.B. 1625 and S.B. 674)
- Authorize the medical, physician assistant, acupuncture, medical radiologic technology, and respiratory care boards to deny renewal applications from noncompliant applicants. (S.B. 1625 and S.B. 674)
- Direct the Medical Board to process and issue physician assistant licenses within the same amount of time that it takes to issue a physician license. (Management action – nonstatutory)
- Direct the Medical Board to develop rules that provide a concise application for a temporary license to a sports physician traveling to Texas with athletic competitors or a team of athletic competitors. (Management action – nonstatutory)

Medical Radiologic Technology

- Eliminate duplication by removing requirements for non-certified technicians to register with two agencies. (S.B. 674)
- For providers of medical radiologic technology services located in urban areas, remove the exemption that allows providers to employ non-licensed individuals to perform radiologic procedures if unable to attract and retain licensed individuals for employment. (S.B. 674)

Administration

- Authorize the Physician Assistant Board, after hearing all evidence and arguments in an open meeting, to conduct deliberations relating to license applications and disciplinary actions in executive sessions. (S.B. 1625)
- Direct the Medical Board to dedicate one page of its quarterly newsletter bulletin to three topics in continuing medical education that the board considers relevant; at least one of the annual 12 continuing medical education topics must be related to tick-borne diseases, including Lyme disease. (Management action – nonstatutory)
- Direct the Medical Board to make consumer information about the various professions within the agency available to the public on its website. (Management action – nonstatutory)

Continue

- Continue the Texas Medical Board for 12 years. (H.B. 3040 – Not Enacted)
- Apply the standard Sunset across-the-board recommendation regarding board member training to the physician assistant board. (S.B. 1625)