

TMB Legislative Update, 84th Legislative Session (2015)

The legislation (22 bills) listed in this update reflects bills passed in the 84th Regular Session of the Texas Legislature organized into three categories: 1) Health Professions - Licensing and Enforcement, 2) Physician Practice & Prescription Monitoring, and 3) Miscellaneous Health Care Issues. A link to each bill's text and other information available from the Texas Legislature Online website is provided for each bill.

Bill # & Author	Subject	Key Provisions	Effective Date
Category I. Health Professions - Licensing & Enforcement			
SB 202 (Nelson)	Sunset	Transfers four occupational regulatory programs from the Dept. of State Health Services (DSHS) to the TMB: Perfusionists, Medical Physicists, Medical Radiologic Technicians, and Respiratory Care Practitioners. http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=SB202	9/1/15
SB 622 (Uresti)	Physician Assistant Board	Amends the composition of the Physician Assistant Board by adding four positions for physician assistants; requires the presiding officer to be a physician assistant. http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=SB622	9/1/15
SB 807 (Campbell)	Military Licensees	Requires state licensing agencies to waive licensing application and registration fees for an applicant who is: 1) a military service member or veteran whose training/education substantially meets all license requirements; or 2) a service member, veteran, or spouse who holds a current license issued by another jurisdiction that has requirements substantially equivalent to those of Texas. http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=SB807	9/1/15
SB 1235 (Whitmire)	Pain Management Clinics	Specifies the definition of an "operator" of a pain management clinic to mean an owner, medical director, or physician affiliated or associated with the clinic in any capacity. Clarifies that a clinic owner/operator is engaged in the practice of medicine which includes all supervision and delegation activities related to the clinic. Clarifies that violations of Chpt 168, Occ. Code, are subject to criminal prosecution. http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=SB1235	9/1/15

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SB 1307 (Menendez)	Military licensees	<p>Clarifies definitions of military service member, military spouse, and military veteran. Changes timelines for extension of license renewals and requires expedited licensure for military service members and veterans in addition to military spouses. Requires a state licensing agency to post a notice on its website home page describing the licensing provisions available to military service members.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=SB1307</p>	9/1/15
HB 7 (Darby)	State Occupations Tax	<p>Authorizes TMB to use general-revenue dedicated funds, collected from the \$80 surcharge on physician licensure registration, for licensure as well as enforcement purposes. Repeals \$200 Occupations Tax collected by TMB on physician licensees and passed through to the general revenue fund.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=HB7</p>	9/1/15
Category 2. Physician Practice & Prescription Monitoring Program			
HB 21 (Kacal)	Right to Try Act	<p>Authorizes patients with terminal illnesses to access investigational treatments, drugs, biological products, and devices and prohibits state interference with an eligible patient's access. Prohibits TMB from taking action on a physician's license based solely on recommendations to an eligible patient regarding investigational treatments, provided that the recommendations meet the medical standard of care.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=HB21</p>	6/16/15
HB 177 (Zedler)	Stem Cells	<p>Authorizes use of adult stems cells in FDA approved clinical trials and for use in hospital procedures under certain criteria. Creates the Texas Adult Stem Cell Coordinating Board to administer the state's adult stem cell research program and develop guidelines for providing grants and loans for specific research projects. Requires a biennial report.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=HB177</p>	9/1/15
HB 1449 (Thompson)	Child custody and adoption evaluations	<p>Updates the Family Code to align with national legal and mental health practices, updates terms to help ensure that child custody and adoption evaluations are admissible according to evidence standards for expert testimony in court cases. Creates standardized requirements for child custody evaluators and evaluation elements to better ensure reliable evaluations in child custody suits. Authorizes board certified psychiatrists to conduct child custody and adoption evaluations.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=HB1449</p>	9/1/15

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HB 1945 (Bonnen)	Direct Primary Care	<p>Authorizes and specifies the provision of "direct primary care" to be a primary medical care service (routine/general health care) provided by a physician to a patient through a medical service agreement and in return for payment in accordance with a direct fee. Specifies that a physician providing direct primary care through a medical service agreement is not an insurer or HMO and is not subject to regulation by the Texas Dept. of Insurance. Prohibits the TMB from initiating a proceeding against a physician solely because the physician provides direct primary care.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=HB1945</p>	5/28/15
HB 3074 (Springer)	Advance Directives	<p>Amends the state's Advance Directives Act to provide criteria by which a physician or health care facility could decide not to provide artificially administered nutrition and hydration and life-sustaining treatment to a patient.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=HB3074</p>	9/1/15
HB 3374 (Morrison)	Down Syndrome Information	<p>Amends the Health & Safety Code by requiring DSHS to make available information regarding Down Syndrome and requiring a health care provider who administers a test for Down Syndrome or who initially diagnoses a child with Down Syndrome to provide the DSHS information to the parents or expectant parents.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=HB3374</p>	9/1/15
HB 3994 (Morrison)	Abortion	<p>Adds new requirements regarding judicial bypass, the process under which a judge may grant minors an exemption from parental consent laws. Changes the exceptions under which a physician may perform an abortion on a minor. Requires a physician to request proof of identity and age as "due diligence" used to determine if a woman upon whom the physician will perform an abortion is a minor.</p> <p>http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB3994</p>	1/1/16
SB 66 (Hinojosa)	Epinephrine Auto-Injectors	<p>Amends the Education Code to establish the criteria by which a physician, or person who has been delegated prescriptive authority, may prescribe epinephrine auto-injectors in the name of a school district or open-enrollment charter school.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=SB66</p>	5/28/15

Bill # & Author	Subject	Key Provisions	Effective Date
SB 195 (Schwertner)	Prescription Monitoring	<p>No later than 9/1/16 requires the transfer of the Prescription Monitoring Program (PMP) from DPS to Pharmacy Board. Repeals current Controlled Substance Registration requirements. Authorizes TMB, Nursing Board, and Pharmacy Board to charge a fee on applicable licensees to assist in funding the operational costs of the PMP at Pharmacy Bd.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=SB195</p>	9/1/15
SB 339 (Elife)	Compassionate Use Act	<p>Creates the Texas Compassionate Use Act relating to the medical use of low-THC cannabis to treat intractable epilepsy. Amends the Medical Practice Act to specify the criteria by which a physician may prescribe low-THC cannabis including maintaining a patient treatment plan. Requires DPS to administer a program for licensing dispensing organizations and maintain a compassionate-use registry that contains relevant prescribing information.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=SB339</p>	6/1/15
SB 791 (Kolkhurst)	Cytomegalovirus	<p>Requires DSHS in consultation with TMB to develop and publish informational materials for parents regarding cytomegalovirus including incidence, transmission, preventive measures, and resources available. DSHS is required to establish an outreach program to raise awareness among parents and health care providers.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=SB791</p>	9/1/15
SB 1128 (Zaffirini)	Diagnostic testing during pregnancy	<p>Amends current diagnostic testing requirements for a physician attending a pregnant woman by requiring that a test for syphilis be performed during the third trimester of pregnancy and not at delivery.</p> <p>http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=SB1128</p>	9/1/15

Category 3. Miscellaneous Health Care Issues: Electronic Information, Billing, etc.

Bill # & Author	Subject	Key Provisions	Effective Date
HB 751 (Zerwas)	Substitution of biological products	Amends the Texas Pharmacy Act to authorize the substitution of interchangeable biological products and requires a dispensing pharmacist or designee to communicate to the prescribing practitioner the specific product provided to the patient, including the name and the manufacturer or national drug code number. This requirement expires Sept. 1, 2019. http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB751	9/1/15
SB 425 (Schwertner)	Required Facility Notices	Requires freestanding emergency medical care facilities to post conspicuous notices for patients/consumers stating required information about rates, fees, and billing. http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=SB425	9/1/15
SB 481 (Hancock)	Balance Billing	Expands the definition of "facility-based physician" to include an assistant surgeon. Requires a facility-based physician, who bills a patient covered by a health benefit plan that does not have a contract with the facility-based physician, to send a billing statement to the patient that contains a plain-language explanation of the mandatory mediation process available if the amount for which the patient is responsible to the physician is greater than \$500. http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=SB481	9/1/15
SB 1753 (Campbell)	Hospital ID requirements	By Sept. 1, 2019, a hospital must clearly state the type of license held by a health care provider who provides direct patient care on the provider's photo identification badge. http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=SB1753	9/1/15