

**TMB Legislative Update, 85th Legislative Session  
(2017, 1<sup>st</sup> Called & Regular Sessions)**

Bill & Author	Subject	Key Provisions	Effective Date
<b>1<sup>ST</sup> CALLED SESSION</b>			
SB 20 (Taylor, V.)	Sunset	Continues TMB and relevant statutes until 2019.	08/11/17
SB 60 (Taylor, V.)	Sunset	Technical clean-up to General Appropriations Act to address funding based on continuation.	08/11/17
SB 11 (Perry)	Do Not Resuscitate Orders (DNRs)	<p>Clarifies requirements for the authorization, execution, and revocation of DNR orders used in a health care facility, including a hospital or an assisted living facility, or in hospice settings. Sets requirements for notification of family members or surrogates. Does not apply to an out-of-hospital DNR order as defined under the Advance Directives Act.</p> <p>Sets a penalty (Class A misdemeanor) for health care professionals committing an offense by intentionally concealing, canceling, etc. a DNR order. Specifies that a health care professional and/or facility is subject to disciplinary action by the appropriate regulatory agency for intentionally failing to effectuate a DNR order or issuing a DNR order in violation of the bill's requirements.</p>	04/01/18
HB 13 (Capriglione)	Abortion Reporting – Complications	<p>Requires health care facilities (including hospitals and facilities providing emergency medical care) and physicians to report certain abortion complications to the Health and Human Services Commission (HHSC). Physicians at these facilities, including abortion facilities, must report on each abortion complication diagnosed or treated by that physician not later than the end of the third business day after the date on which the complication is diagnosed or treated.</p> <p>Physicians and facilities that commit three separate violations could be subject to disciplinary action. Requires HHSC to notify TMB of any violation committed by a physician.</p>	11/14/17
HB 215 (Murphy)	Abortion Reporting – Fetal Anomalies	For third trimester abortions authorized for fetal anomalies, requires physicians to certify in writing the fetal abnormality identified by the physician. Requires physicians who perform an abortion on a woman younger than 18 years old to report how the abortion was authorized (written consent of parent, judicial bypass, emancipated minor, or medical necessity) in the woman's medical record as well as to HHSC.	11/14/17

**REGULAR SESSION****Category I. Licensure & Enforcement**

HB 2561 (Thompson)	Prescription Monitoring Program (PMP), Prescription Drug Donation, & Pharmacy Board Sunset	<ul style="list-style-type: none"> <li>• Adds new sections to TX Controlled Substances Act (Chpt 481, Health &amp; Safety Code) re: PMP requirements for all licensed prescribers and dispensers.</li> <li>• Authorizes Pharm Bd to send licensees email notifications regarding potential patterns of patient drug abuse or diversion.</li> <li>• Requires all boards to develop guidelines on responsible prescribing of opioids, benzodiazepines, barbituates, and carisoprodol. Requires periodic monitoring of licensees' prescribing information to identify potentially harmful prescribing practices.</li> <li>• <b>Beginning Sept. 1, 2019, requires licensees to check patient history before prescribing or dispensing the four categories of drugs identified above. Provides exceptions for cancer patients and those in hospice.</b></li> <li>• Requires a joint interim committee to study PMP monitoring and submit report by Jan. 1, 2019. Committee members must be appointed by Nov. 1, 2017.</li> </ul>	9/1/17
SB 315 (Hinojosa)	Enforcement Authority - Subpoenas & Pain Management Clinics	<ul style="list-style-type: none"> <li>• Clarifies TMB subpoena authority and the ability to inspect unregistered pain management clinics per Sunset recommendations.</li> <li>• Requires TMB to adopt guidelines for prescribing opioid antagonists which must address prescribing to a patient to whom an opioid medication is also prescribed and identifying patients at risk of an opioid-related drug overdose.</li> </ul>	9/1/17
SB 674 (Schwertner)	Expedite Psychiatrist Licensing + Misc. Sunset Provisions	<ul style="list-style-type: none"> <li>• Until Jan. 1, 2022, requires an expedited licensing process for initial applicants who are psychiatrists.</li> <li>• <u>Includes the following Sunset provisions:</u> authorizes refusal of license renewal due to a board order violation (applies to physicians, acus, surgical assistants, MRT, RCP, med physicist, and perfusionist); removes cap on physician jurisprudence exam attempts; removes dual registration requirements for NCTs; and amends MRT hardship exemption criteria.</li> </ul>	9/1/17
SB 1625 (Uresti)	PA Whistleblower Protections + PA Sunset	<ul style="list-style-type: none"> <li>• Amends existing requirements for prescriptive authority agreements (PAAs) by requiring physicians and PAs to meet monthly but not face-to-face (keeps for APRNs).</li> <li>• <u>Includes the following Sunset provisions:</u> executive session authority for board deliberations; board member training; criminal history fingerprint checks for initial applicants and licensees; a license is valid for two or more years; and authority to refuse license renewal due to a board order violation.</li> <li>• Provides certain whistleblower protections to PAs related to patient care.</li> </ul>	9/1/17

<b>Category II. Health Care Delivery &amp; Practice (Physician &amp; PA)</b>			
HB 785 (Raney)	Embryo Donation	<ul style="list-style-type: none"> <li>Requires a physician who performs on a patient an assisted reproduction procedure that involves the creation of a human embryo to inform the patient of the option of embryo donation for unused human embryos.</li> <li>Requires Dept. of Family &amp; Protective Services to post information about embryo donation on its website.</li> </ul>	9/1/17
HB 810 (Parker)	Investigational Stem Cell Treatments	<ul style="list-style-type: none"> <li>Authorizes patients with severe chronic diseases or terminal illnesses to access investigational stem cell treatments and prohibits state interference with an eligible patient's access.</li> <li>Requires oversight of treatments by an institutional review board (IRB) and requires an annual report be submitted to TMB. Authorizes TMB to adopt rules.</li> <li>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.</li> <li>Prohibits purchase and sale of adult stem cells for investigational treatments.</li> </ul>	9/1/17
HB 1978 (Sheffield)	PA volunteer care	Exempts from supervision/delegation requirements, physician assistant services performed as volunteer care for a charitable organization or at a public or private event including a religious event, sporting event, community event, or health fair.	9/1/17
SB 8 (Schwertner)	Abortion Prohibitions & Required Physician Reporting	<ul style="list-style-type: none"> <li>Relating to certain prohibited abortions and the treatment and disposition of a human fetus, human fetal tissue, and embryonic and fetal tissue remains.</li> <li>Authorizes a physician to seek a hearing before TMB to determine medical necessity of a partial-birth abortion procedure.</li> <li>Adds partial-birth abortions and certain dismemberment abortions to the list of prohibited actions applicable to physicians or applicants for a license to practice medicine, making them subject to disciplinary action or license revocation.</li> <li>Prohibits certain dismemberment abortions and establishes a criminal penalty (state jail felony) for a violation of the prohibition.</li> <li>Expands physician reporting requirements to DSHS for abortion procedures.</li> </ul>	9/1/17
SB 507 (Hancock)	Expansion of Balance Billing Mediation Process	<ul style="list-style-type: none"> <li>Expands the types of health care providers eligible to participate in mediation for balance billing claims (out-of-network services/providers) including emergency care providers and facility-based providers.</li> <li>Requires that a bill or explanation of benefits sent to an insurance enrollee must contain a conspicuous, plain language explanation of the TDI mediation process.</li> </ul>	9/1/17

SB 584 (West)	Opioid Antagonist Guidelines	Requires TMB to adopt guidelines for prescribing opioid antagonists which must address prescribing to a patient to whom an opioid medication is also prescribed and identifying patients at risk of an opioid-related drug overdose. Requires consultation with Pharmacy Board.	9/1/17
SB 919 (Rodriguez)	PA Authority - Death Certificates	Authorizes PA or APRN to sign death certificates for certain patients receiving hospice or palliative care.	6/1/17
SB 1107 (Schwertner)	Telemedicine	<ul style="list-style-type: none"> <li>• Provides new regulatory structure for establishing valid practitioner-patient relationship via telemedicine.</li> <li>• Requires a health care service provided via telemedicine to meet the standard of care that would apply to the provision of the same health care service in an in-person setting.</li> <li>• Prohibits an agency with regulatory authority over a health professional from adopting applicable rules imposing a higher standard of care than described by bill.</li> <li>• Expressly excludes mental health services from statutory provisions governing telemedicine and telehealth.</li> <li>• Requires joint rulemaking for TMB, Nursing Board, PA Board and Pharmacy Board to adopt rules establishing the determination of a valid prescription issued for telemedicine medical services.</li> </ul>	Most provisions effective 5/27/17
SB 1148 (Buckingham)	Maintenance of Specialty Board Certification	<ul style="list-style-type: none"> <li>• Prohibits managed care insurance plan issuers from differentiating between physicians based on whether a physician had maintained a specialty board certification through periodic recertification in regard to contracting with, or paying or reimbursing, a physician.</li> <li>• Establishes criteria by which certain hospitals and facilities, institutions, and programs are authorized or prohibited from differentiating between physicians based solely on a physician's maintenance of certification.</li> <li>• Prohibits TMB from requiring maintenance of certification as a condition for physician licensure or registration.</li> </ul>	Jan. 1, 2018