

The Texas Medical Board (Board) proposes the repeal of current Chapter 162, concerning Supervision of Medical Students, §§162.1 and 162.2.

The Board also proposes new Chapter 162, concerning Physician Profiles, §§162.1 – 162.3.

Also, the Board contemporaneously proposes the repeal of current Chapter 173, concerning Physician Profiles, §§173.1 – 173.5, and §173.7.

The Board has determined that due to the extensive reorganization of Chapters 160-200, the repeal of Chapter 162 is more efficient than proposing multiple amendments to make the required changes.

The proposed new sections are as follows:

New §162.1, Profile Contents, provides a description of the content of a physician's public profile.

New §162.2, Profile Updates, provides a description of mandatory updates required to be reported by a physician to the board.

New §162.3, Profile Disputes, explains the process by which a physician may dispute their public profile information.

Scott Freshour, General Counsel for the Texas Medical Board, has determined that, for each year of the first five years the proposed repeals and new sections are in effect, the public benefit anticipated as a result of enforcing these proposed sections will be to remove redundant language from rules, simplify the rules, and make the rules easier to understand.

Mr. Freshour has also determined that for the first five-year period these proposed repeals and new sections are in effect, there will be no fiscal impact or effect on government growth as a result of enforcing the proposed sections.

Mr. Freshour has also determined that for the first five-year period these proposed repeals and new sections are in effect there will be no probable economic cost to individuals required to comply with these proposed sections.

Pursuant to Texas Government Code §2006.002, the agency provides the following economic impact statement for these proposed repeals and new sections and determined that for each year of the first five years these proposed repeals and new sections there will be no effect on small businesses, micro businesses, or rural communities. The agency has considered alternative methods of achieving the purpose of these proposed repeals and new sections and found none.

Pursuant to Texas Government Code §2001.024(a)(4), Mr. Freshour certifies that this proposal has been reviewed and the agency has determined that for each year of the first five years these proposed repeals and new sections are in effect:

- (1) there is no additional estimated cost to the state or to local governments expected as a result of enforcing or administering these proposed repeals and new sections;
- (2) there are no estimated reductions in costs to the state or to local governments as a result of enforcing or administering these proposed repeals and new sections;
- (3) there is no estimated loss or increase in revenue to the state or to local governments as a result of enforcing or administering these proposed repeals and new sections; and

(4) there are no foreseeable implications relating to cost or revenues of the state or local governments with regard to enforcing or administering these proposed repeals and new sections.

Pursuant to Texas Government Code §2001.024(a)(6) and §2001.022, the agency has determined that for each year of the first five years these proposed repeals and new sections will be in effect, there will be no effect on local economy and local employment.

Pursuant to Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for these proposed repeals and new sections. For each year of the first five years these proposed repeals and new sections will be in effect, Mr. Freshour has determined the following:

- (1) These proposed repeals and new sections do not create or eliminate a government program.
- (2) Implementation of these proposed repeals and new sections does not require the creation of new employee positions or the elimination of existing employee positions.
- (3) Implementation of these proposed repeals and new sections does not require an increase or decrease in future legislative appropriations to the agency.
- (4) These proposed sections do not require an increase or decrease in fees paid to the agency.
- (5) These proposed repeals and new sections do not create new regulations.
- (6) These proposed repeals and new sections do repeal existing regulations as described above. These proposed new sections do not expand or limit an existing regulation.
- (7) These proposed repeal and new sections do not increase the number of individuals subject to the sections' applicability.
- (8) These proposed repeals and new sections do not positively or adversely affect this state's economy.

Comments on the proposal may be submitted using this link: <https://forms.office.com/g/9KcRP3vMGq>. A public hearing will be held at a later date. Comments on the proposal will be accepted for 30 days following publication.

The repeal of the rules is proposed under the authority of the Texas Occupations Code Annotated, §153.001, which provides authority for the Board to recommend and adopt rules and bylaws as necessary to: govern its own proceedings; perform its duties; regulate the practice of medicine; and enforce this subtitle. The repeal of the rules is also proposed in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. No other statutes, articles or codes are affected by this proposal.

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§162.1. Supervision of Medical Students.

§162.2. Physician Supervision of a Student Physician Assistant

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The new rules are proposed under the authority of the Texas Occupations Code Annotated, §153.001, which provides authority for the Board to recommend and adopt rules and bylaws as necessary to: govern its own proceedings; perform its duties; regulate the practice of medicine; and enforce this subtitle. The

new rules are also proposed in accordance with the requirements of §§154.006(h) and 156.001. The new rules are also proposed in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. No other statutes, articles or codes are affected by this proposal.

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§162.1. Profile Contents.

In addition to the information required by §154.006(b) of the Act, a physician's public profile shall include:

- (1) full name as displayed on the physician license;
- (2) the original date of issuance of the physician's Texas medical license;
- (3) the expiration date of the physician's current registration permit;
- (4) a mailing address (street or P.O. Box address, city, state, and zip code), if the physician does not have a primary practice location;
- (5) primary and secondary areas of practice, as designated by the physician;
- (6) a description of a maximum of five awards, honors, publications or academic appointments submitted by the physician, each no longer than 120 characters; and
- (7) utilization review services for an insurance company other than utilization review in relation to worker's compensation claims.

§162.2. Profile Updates.

- (a) Upon renewal, physician updates to the board must be completed as required by §§156.001(c) and (e) of the Act.
- (b) Mandatory Updates shall be reported by a physician within 10 business days of the event, including:
 - (1) A description of any charges reported to the board to which the physician has pleaded no contest, for which the physician is the subject of deferred adjudication or pretrial diversion, or in which sufficient facts of guilt were found and the matter was continued by a court;
 - (2) change of mailing or practice address;
 - (3) incarceration in a state or federal penitentiary;
 - (4) conviction described in §154.006(b)(9) of the Act;
 - (5) any charges as described in §154.006(b)(10) of the Act;
 - (6) An initial finding of guilt for a crime set forth in §164.057 of the Act;
 - (7) any disciplinary action described in §§154.006(b)(12) and (13) of the Act;
 - (8) any medical malpractice claim listed in §154.006(b)(16) of the Act; or
 - (9) changes in the physician's American Board of Medical Specialties or the Bureau of Osteopathic Specialists specialty certification.

(c) A physician may submit any other corrections as they occur.

§162.3. Profile Disputes.

A physician may dispute public profile information by submitting a written description of the dispute and any supporting information to the General Counsel's office for review, consideration, and resolution of the dispute.