

## TMB Legislative Update, 83rd Legislature, 2013

*The legislation listed in this update reflects bills passed in the 83<sup>rd</sup> Regular Session and is organized into five categories: (1) Physician Practice & Delegation Issues, (2) Enforcement, (3) Licensure & Registration, (4) Hospital Practice Setting, and (5) Miscellaneous Health Care Issues (Protected Health Information, Medicaid Fraud). A link to the bill text and additional information available from Texas Legislature Online is provided for each bill.*

Bill No. & Author	Subject	Key Provisions	Effective Date
<b>Category I. Physician Practice &amp; Delegation Issues</b>			
SB 166 (Deuell)	Electronic Data from Driver's License	<p>Authorizes physicians, nurses, and other specified health care providers and facilities to use and maintain a database of electronically readable information derived from driver's licenses or personal identification certificates in order to provide health care services to an individual.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB166">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB166</a></p>	09/01/13
SB 406 (Nelson)	Prescriptive Delegation	<ul style="list-style-type: none"> <li>• Repeals current prescriptive delegation requirements related to primary, alternate, and medically underserved area practice sites and creates prescriptive authority agreements which may be entered into by a physician and midlevel practitioner (PA or APRN) and through which the physician delegates prescribing or ordering a drug or device.</li> <li>• Agreements must include specified information including: nature of the practice, practice locations/settings; types or categories of drugs/devices that may be prescribed; a general plan for addressing consultation and referral; the general process for communication and sharing of information; and a prescriptive authority quality assurance and improvement plan that includes chart review and periodic face-to-face meetings between the parties to the agreement.</li> <li>• Caps the combined number of APRNs and PAs with whom a physician may enter into a prescriptive authority agreement at seven - with certain exceptions.</li> <li>• Allows physicians working in a hospital or long term care facility to delegate prescriptive authority for Schedule II Controlled Substances to APRNs and PAs in certain circumstances.</li> <li>• Requires TMB, Nursing Board, and PA Board to develop a process to exchange information about licensees who have entered into these agreements.</li> <li>• Requires TMB to make available to the public an on-line searchable list of physicians and mid-level practitioners who have entered into prescriptive authority agreements and identify the physician with whom each mid-level practitioner has an agreement.</li> </ul> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB406">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB406</a></p>	11/01/13

Category II. Enforcement			
SB 152 (Nelson)	Reporting Abuse of Elderly or Disabled Person	Requires employees or members of a state board that licenses a professional to report possible abuse, neglect, or exploitation of an elderly or disabled person to the Dept. of Family & Protective Services. <i>(Expansion of current requirements for duty to report which applies to persons whose knowledge of possible abuse is obtained during the scope of the person's employment or whose professional communications are generally confidential - medical practitioner, attorney, clergy, etc.).</i>  <a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB152">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB152</a>	06/14/13
SB 978 (Deuell)	Local Anesthesia	Authorizes TMB to adopt rules regulating the use of local anesthesia and/or peripheral nerve blocks in outpatient settings using total dosage amounts that exceed 50% of the recommended maximum safe dosage per outpatient visit.  <a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB978">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB978</a>	09/01/13
SB 1643 (Williams)	Prescription Monitoring & Pain Management Clinics	<p><b>DPS Prescription Monitoring Program:</b> Related to monitoring prescriptions for Schedule II-V controlled substances via DPS' online prescription monitoring program (Prescription Access in Texas – PAT) which provides prescription dispensing history. Amends current program by:</p> <ul style="list-style-type: none"> <li>• lengthening the amount of time records are kept from one year to three years;</li> <li>• authorizing access to prescription information through a health information exchange;</li> <li>• authorizing access beyond midlevel practitioners (PAs/APNs) to registered and vocational nurses and pharmacy technicians;</li> <li>• and creating Interagency Prescription Monitoring Work Group to evaluate effectiveness of prescription monitoring and provide recommendations for regulation of dispensing controlled substances by prescription.</li> </ul> <p><b>Pain Management Clinic Registration:</b> Strengthens oversight of pain management clinic registration by prohibiting board from making a decision on a clinic application until final decision has been reached on applicant who is under investigation for a violation related to pain management and/or controlled substance prescription/dispensation.</p> <p>Specifies that a clinic/owner of a clinic is subject to a temporary suspension or restriction for a violation of statute and/or rules pertaining to pain management clinics.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB1643">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB1643</a></p> <p><b>(see also HB 1803 for sections re: regulation of pain management clinics)</b></p>	09/01/13

Category III. Licensure & Registration			
SB 61 (Nelson)	Volunteer License for Military Members	<p>Authorizes issuance of a “military limited volunteer license” to a physician applicant who is licensed and in good standing, or licensed/retired in good standing as a physician in another state; and is/was authorized to treat personnel enlisted in a branch of the US military. Limited to practice at a clinic primarily treating indigent patients; may not receive compensation for medical services rendered at the clinic.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB61">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB61</a></p>	09/01/13
SB 162 (Van de Putte)	Licensure Applicants with Military Experience	<p>Amends Chpt. 55 of the Occupations Code relating to licensing of military service members, military veterans, and military spouses by state licensing agencies. Requires an expedited initial license and renewal procedure for military spouses.</p> <p>For applicants with military experience, requires a state licensing agency to credit verified military service, training, or education toward licensing requirements, other than an exam requirement, for a license issued by the agency. Applies only to a license application filed on or after March 1, 2014.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB162">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB162</a></p>	05/18/13
SB 949 (Nelson)	Changes to Physician Licensure Process	<p>Adds definition of “license holder” to clarify that the term includes a person holding a license, permit, or certificate issued under the Medical Practice Act.</p> <p>Exempts physician licensure applicants who agree to practice in MUA/HPSA from current requirements to pass each section of USMLE within 7-10 year timeframe.</p> <p>Repeals Sec. 155.0045, Occupations Code (established in 2011 by SB 189), relating to mandatory service requirements for physician license applicants who are not U.S. citizens.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB949">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB949</a></p>	06/14/13
HB 746 (Ashby)	Emergency Volunteer Health Practitioners	<p><u>Uniform Emergency Volunteer Health Practitioners Act:</u> adds new Chpt. 115 to the Occupations Code to adopt a model uniform law providing a system whereby health practitioners in any state can be deployed to health care facilities and disaster relief organizations in another state in which an emergency is occurring.</p> <p>Requires the Dept. of State Health Services (DSHS) to administer the volunteer health practitioner registration system for in-state and out-of-state volunteers who register to provide health/veterinary services for a host entity while an emergency declaration is in effect. The system must include information re: results of criminal history background checks as well as be capable of confirming whether practitioners are licensed and in good standing. An out-of-state volunteer who meet certain criteria is authorized to practice in Texas while an emergency declaration is in effect</p> <p>Requires a state agency that licenses a health practitioner to coordinate with DSHS, while an emergency declaration is in effect, to provide licensing or criminal history record information for volunteer health practitioners seeking registration.</p> <p>Authorizes TX Division of Emergency Management (DPS) to regulate volunteer health practitioners while an emergency declaration is in effect, including the duration of practice and the geographical location of practice.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=HB746">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=HB746</a></p>	09/01/13

HB 1803 (Callegari)	Controlled Substances & Pain Management Clinic Registration	<p><b>DPS Controlled Substances Registration Program</b> - combines renewal of DPS controlled substance registration for physicians with TMB physician license registration.</p> <p><b>Pain Management Clinic Registration</b> - clarifies existing exemptions to pain management clinic registration by specifying that the requirements do not apply to clinics owned/operated by a physician or advanced practice nurse who treat patients within their area of specialty and who personally use other forms of treatment with the issuance of a prescription for a majority of patients. Clarifies enforcement of clinic registration requirements by specifying that a person who owns/operates a pain management clinic is engaged in the practice of medicine.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=HB1803">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=HB1803</a></p> <p><i>(see also SB 1643 for sections re: regulation of pain management clinics)</i></p>	01/01/14
<b>Category IV. Hospital Practice Setting: Identification Requirements, Direct Hire of Physicians</b>			
SB 945 (Nelson)	Hospital Policies for Identification Badges	<p>Amends Health &amp; Safety Code (Chpt 241, Hospital Licensing) by adding requirement for hospitals to adopt policies requiring a health care provider providing direct patient care to wear a photo identification badge during all patient encounters, with certain exceptions. Specifies info. that badge must contain including type of license held by provider, and if applicable, the provider's status as student, intern, trainee, or resident.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB945">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB945</a></p>	01/01/14
HB 1247 (Clardy)	Physician Employment	<p>Authorizes board of directors of Nacogdoches County Hospital District to employ physicians. Requires board to adopt policies to ensure a physician employed by the district exercises the physician's independent medical judgment in providing care to patients. Requires chief medical officer (CMO) to report to TMB any action/event the CMO believes constitutes a compromise of a physician's independent medical judgment.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=HB1247">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=HB1247</a></p>	06/14/13
HB 3905 (Bonnen)	Physician Employment	<p>Authorizes board of directors of Angleton-Danbury Hospital District (Brazoria County) to employ physicians. Requires board to adopt policies to ensure a physician employed by the district exercises independent medical judgment in providing care to patients. Requires chief medical officer (CMO) to report to TMB any action/event the CMO believes constitutes a compromise of a physician's independent medical judgment.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=HB3905">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=HB3905</a></p>	06/14/13
<b>Category V. Miscellaneous Health Care Issues: Medicaid Fraud, Protected Health Information</b>			
SB 8 (Nelson)	Medicaid Fraud Prevention & EMS	<p>Relating to the State Medicaid program and prevention of fraud. Requires TMB with Health &amp; Human Services Commission and Dept. of State Health Services to conduct review of laws/policies and provide recommendations on suggested statutory changes by Jan 1, 2014 on: use of non-emergent services provided by ambulance providers; licensure of nonemergency transportation providers; and delegation of health care services by physicians to EMS personnel as well as physicians' assessments of patients' needs for purposes of ambulatory transport.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB8">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB8</a></p>	09/01/13
SB 1609 (Schwertner)	Medical Records Privacy	<p>Amends Health &amp; Safety Code (Chpt. 181, Medical Records Privacy) relating to protection of personal health information by requiring employees of "covered entities" (a broad term including entities that collect, analyze, transmit, store, and have possession of protected health information including governmental agencies, health care providers and facilities, etc.) receive training on applicable state/federal laws. Requires an employee to complete training no later than 90<sup>th</sup> day after employee is hired by the covered entity.</p> <p><a href="http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB1609">http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&amp;Bill=SB1609</a></p>	06/14/13