

2010 Board Rule Changes

The following is a summary of the changes effective on May 2, 2010. Click [here](#) for the complete board rules.

Chapter 183, Acupuncture: new amendments to §183.4, Licensure, which increases number of attempts on Acupuncture JP exam upon showing of good cause; §183.9, Impaired Acupuncturists, regarding procedures for probable cause hearings for mental and physical examinations, implementation of Physician Health Program for Impaired Acupuncturists.

<http://www.sos.state.tx.us/texreg/archive/April232010/adopted/22.EXAMINING%20BOARDS.html#366>

Chapter 187, Procedural Rules: new amendments to §187.43, Proceedings for the Modification/Termination of Agreed Orders and Disciplinary Orders, will prohibit probationers from requesting modification/termination of an order if the probationer is under investigation for alleged noncompliance with the order, and clarifies that modification/termination requests may be made yearly since the effective date of an order; proposed new Subchapter I Proceedings for Cease and Desist Orders, subchapter based on passage of HB2256 passed during the 81st Legislative session; §187.83, Proceedings for Cease and Desist Orders, establishes the procedures for cease and desist orders to be issued by the executive director after the opportunity for participation in an informal settlement conference; §187.84, Violation of Cease and Desist Orders, establishes the penalties for violation of cease and desist orders; proposed new Subchapter J, Procedures Related to Out of Network Health Benefit Claim Dispute Resolution, subchapter based on passage of HB2256 passed during the 81st Legislative session; §187.85, Purpose and Construction; §187.86, Scope; §187.87, Definitions; §187.88, Complaint Process and Resolution; and §187.89, Notice of Availability of Mandatory Mediation.

<http://www.sos.state.tx.us/texreg/archive/April232010/adopted/22.EXAMINING%20BOARDS.html#369>

<http://www.sos.state.tx.us/texreg/archive/April232010/adopted/22.EXAMINING%20BOARDS.html#371>

<http://www.sos.state.tx.us/texreg/archive/April232010/adopted/22.EXAMINING%20BOARDS.html#373>

Chapter 189, Compliance Program: new amendments to §189.2, Definitions amends the title "chief of compliance" to "compliance manager"; §189.3, Responsibilities of Probationers, sets out the requirements for third party reports submitted to the Board in relation to a probationer's order with the Board; §189.8, Procedures Relating to Non-compliance, amends the title "chief of compliance" to "compliance manager."

<http://www.sos.state.tx.us/texreg/archive/April232010/adopted/22.EXAMINING%20BOARDS.html#375>

Chapter 190, Disciplinary Guidelines: new amendments to §190.14, Disciplinary Sanction Guidelines, provides that if a physician is determined to have negotiated in bad faith in relation to an out-of-network health benefit claim, the licensee may be fined up to \$2,000 by the Board.

<http://www.sos.state.tx.us/texreg/archive/April232010/adopted/22.EXAMINING%20BOARDS.html#378>

Chapter 192, Office-Based Anesthesia Services and Pain Management Clinics: : new amendments delete references to Pain Management Clinics; §192.1, Definitions; §192.2, Provision of Anesthesia Services in Outpatient Settings, require that anesthesia services and equipment provided in an outpatient setting remain available until the patient is discharged; §192.4, Registration, excludes Level I services from registration requirements and deletes languages relating to pain management clinics; §192.5, Inspections; repeal §192.7, Operation of Pain Management Clinics.

<http://www.sos.state.tx.us/texreg/archive/April232010/adopted/22.EXAMINING%20BOARDS.html#380>

<http://www.sos.state.tx.us/texreg/archive/April232010/adopted/22.EXAMINING%20BOARDS.html#381>

Chapter 195, Pain Management Clinics: new chapter with language from Chapter 192 moved into this chapter; §195.1, Definitions; §195.2, Certification of Pain Management Clinics; §195.3, Inspections; §195.4, Operation of Pain Management Clinics, adds language about minimum requirements for quality assurance procedures.

<http://www.sos.state.tx.us/texreg/archive/April232010/adopted/22.EXAMINING%20BOARDS.html#383>

Chapter 198, Unlicensed Practice: new amendments delete language regarding cease and desist orders which is moved to Chapter 187; amends §198.3, Investigation of Complaints; repeals §198.4, Cease and Desist Order; repeals §198.5, Contested Cease and Desist Proceeding; and repeals §198.6, Violation of Cease and Desist Order.

<http://www.sos.state.tx.us/texreg/archive/April232010/adopted/22.EXAMINING%20BOARDS.html#385>

<http://www.sos.state.tx.us/texreg/archive/April232010/adopted/22.EXAMINING%20BOARDS.html#386>