

Texas Medical Board Press Release

FOR IMMEDIATE RELEASE

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TMB Passes Emergency Rules to Enforce Gov. Abbott's Executive Order GA-09

Following Governor Greg Abbott's issuance of [Executive Order GA-09](#), the Texas Medical Board adopted rules late yesterday on an emergency basis to enforce the Executive Order's prohibition against performing surgeries and medical procedures that are not immediately medically necessary through April 21, 2020.

"The Texas Medical Board has echoed the strong recommendations for providers and health care facilities to postpone any non-emergent surgeries or procedures. We thank Governor Abbott for ordering a statewide prohibition against certain surgeries or procedures if they result in the depletion of hospital capacity or personal protective equipment needed to cope with the COVID-19 disaster," said TMB President Dr. Sherif Z. Zaafran, M.D.

"The Board's Executive Committee approved emergency rules to allow the Board to quickly act if it is determined any licensee under the Board's authority is violating the Executive Order," said President Zaafran.

The Board's Executive Committee adopted to amend the following under 22 TAC Chapters 187, Procedural Rules, Subchapter F, [Temporary Suspension and Restriction Proceedings](#) and 178, [Complaints](#):

- [22 TAC §187.57\(c\)](#), "Continuing Threat to the Public Welfare"
- [22 TAC §178.4\(d\)](#), Complaint Initiation - Peer Review Reporting

The emergency rule amends the definition of "Continuing Threat to the Public Welfare," to include actions specifically prohibited by Executive Order GA-09 as it relates to surgeries and procedures that are "not immediately medically necessary to correct a serious medical condition of, or to preserve the life of, a patient who without immediate performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician."

The Board also amended the rule relating to peer review and hospital reporting in order to require immediate reporting rather than after the peer review process. Such amendments will minimize delays in reporting and allow for the Board to more immediately utilize the disciplinary authority granted by Texas Occupations Code, [§164.059](#).

The Board will provide further guidance and FAQs on the TMB website at www.tmb.state.tx.us/page/coronavirus.

For the latest COVID-19 information for health providers and the public, visit the Department of State Health Services (DSHS) COVID-19 web page at dshs.texas.gov/coronavirus/.

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