

TEXAS MEDICAL BOARD RULES
Texas Administrative Code, Title 22, Part 9
Proposed Changes

Chapter 163

Licensure

Draft May 31, 2012

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163.2. Full Texas Medical License.

(a)-(c) no change

(d) Applicants who are not U.S. citizens or permanent residents.

(1) An applicant for full licensure, who is not a U.S. citizen or an alien lawfully admitted for permanent residence in the United States, must present proof satisfactory to the board that the applicant has practiced medicine full-time in Texas, in medically underserved areas and health professional shortage areas as designated by the U.S. Department of Health and Human Services, for at least three years, or has signed an agreement to practice medicine full-time in Texas, in medically underserved areas and health professional shortage areas (HPSAs) as designated by the U.S. Department of Health and Human Services, for at least three years. Full-time practice shall mean at least 20 hours per week for 40 weeks duration during a given year. Agreement to practice medicine for three years in qualifying HPSAs and MUAs may be evidenced by an Affidavit of Agreement submitted by the applicant to the Board.

(2) Upon completion of the requirements of paragraph (1) of this subsection, a physician must provide documentation submitted that is acceptable to the Board to demonstrate compliance with paragraph (1) of this subsection. Documentation acceptable to the Board as proof of having completed the three-year service requirement includes:

(a) Individual Federal income tax returns, including copies of the IMGs W-2 forms and/or pay stubs covering the three-year period (showing employment in a qualifying underserved location);

(b) Letter(s) from the applicants employer(s) attesting to the full-time medical service rendered during the required aggregate period; and

(c) If the applicant established his or her own practice, documents confirming establishment of the practice, e.g., documentation showing incorporation of the medical practice (if incorporated), the business license, and the business tax returns and tax withholding documents submitted for the entire three-year period.

(3) A physician licensed under this subsection, must notify any individual or entity with whom the physician contracts to practice medicine, that the physician is fulfilling a service requirement to practice full time in Texas, in medically underserved areas and health professional shortage areas as designated by the U.S. Department of Health and Human Services, for at least three years.

(4) For the purpose of this subsection, federally designated underserved areas include Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) with facility HPSA designation.

(5) This subsection shall not be interpreted to apply to:

(A) applicants for full licensure under this chapter who are applying to practice medicine at an institution that maintains a graduate medical education program in this state;

(B) applicants for postgraduate training permits as described under Chapter 171 of this title (relating to Postgraduate Training Permits);

(C) applicants for temporary or limited licenses as described under Chapter 172 of this title (relating to Temporary or Limited Licenses);

(D) physicians who practiced medicine, prior to September 1, 2012, for at least one year under a postgraduate training permit, temporary license, or limited license; or

(E) physicians who submit or have submitted initial applications for full licensure under this chapter prior to September 1, 2012.

(6) Applicants determined exempt under subparagraph (5)(B) and who subsequently apply for full licensure are subject to the requirements of this subsection, and any employment completed under a postgraduate training permit shall not be applied toward the requirements set out in paragraph (1).

(7) Applicants determined exempt under subparagraph (5)(A) at time of application, but who subsequently discontinue employment before passage of three years from the date of issuance of a license, shall no longer be exempt from the requirements set out in this section. However, the applicant may count all employment obtained while practicing medicine under a full license or a temporary or limited license at an institution that maintains a graduate medication education program in this state toward the service requirement set out in paragraph (1).

(e) ~~(d)~~ Alternative License Procedure for Military Spouse.

(1) (4) no change

163.5. Licensure Documentation.

(a) On request of board staff, an applicant must appear for a personal interview at the board offices and present original documents to a representative of the board for inspection. Original documents may include, but are not limited to, those listed in subsections (b) - (e) of this section.

(b) Documentation required of all applicants for licensure.

(1) (11) (no change)

(12) Citizenship or Permanent Residence. Applicants who are U.S. citizens or permanent residents of the U.S. must document their status. Applicants who are not U.S. citizens or permanent residents of the U.S. must comply with 163.2(d) of this title (relating to Full Texas Medical License).

(A) Acceptable citizenship documentation:

- (i) Copy of a U.S. passport;
- (ii) Copy of Certification of Naturalization;
- (iii) Copy of Certificate of U.S. Citizenship; or
- (iv) Both a copy of a citizenship document and a copy of an identification document.

(I) Citizenship documents:

- (-a-) Birth certificate;
- (-b-) Report or Certification of Birth Abroad of a U.S. Citizen;
- (-c-) U.S. Citizen I.D. Card;
- (-d-) Adoption papers; or
- (-e-) Military record if it shows birth place.

(II) Identification documents:

- (-a-) Current driver's license or state identity card;
- (-b-) School identification card;
- (-c-) Federal, state or local government identification card;
or
- (-d-) U.S. military identification card.

(B) Acceptable evidence of Lawful Permanent Resident (LPR) status.

- (i) Copy of a current Permanent Resident Card.
- (ii) Form I-797 Welcome Notice indicating approval of Form I-485 (permanent residence application).

(iii) I-551 stamp in the applicants passport, indicating temporary evidence of LPR status while waiting on issuance of the Permanent Residence card.

(iv) Form I-797 Receipt Notice for Form I-751, when that notice is specifically endorsed as providing temporary evidence of LPR status.

(c) (e) (no change)