

## 2005 Press Releases

**Wednesday, October 21, 2005**

### **Texas Medical Board Proposes Major Rule Revisions**

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The Texas Medical Board proposed major rule revisions during its October 7 meeting as the first official steps to implement provisions of the agency's Sunset legislation (SB 419). The rules were developed with input from interested individuals and organizations under new requirements of the sunset bill.

The Proposed Rules will be published in the November 4 issue of the *Texas Register*, Volume 30, Number 44 at <http://www.sos.state.tx.us/texreg/issues.shtml>

Written comment is being taken and public testimony will be heard at the December 9 meeting of the Texas Medical Board. The full text of the Proposed Rules are available on the Texas Medical Board web site at <http://www.tmb.state.tx.us/rules/develop.php>. Comments or questions on these proposed rules may be sent to [rule.development@tmb.state.tx.us](mailto:rule.development@tmb.state.tx.us)

**Chapter 161**, General Provisions, to reflect statutory name changes and the composition of the board.

**Chapter 163**, Licensure, to include examination attempts and limits on time to complete an examination.

**Chapter 172**, Temporary Licenses, to include the addition of Faculty Temporary License and Limited License for the Practice of Administrative medicine.

**Chapter 175**, Fees, Penalties, and Forms

- Increased penalty fees for physician assistants and increased renewal and/or penalty fees for acupuncturists, surgical assistants, acudetox specialists, non-certified radiological technicians, and non-profit health organizations.  
Mandated Texas Online fee increase for physician and physician in training renewals.  
Fee requirements for Office Based Anesthesia site registration.

**Chapter 178**, Complaints, to include amendments to 178.2 Definitions, 178.4 Complaint Initiation, 178.5 Complaint Evaluation, 178.6 Complaint Filing, 178.7 Complaint Resolution, and 178.8 Appeals regarding the process for complaint initiation, preliminary investigation and filing.

**Chapter 179**, Investigations, to include amendments to 179.2 Definitions, 179.3 Confidentiality, 179.4 Request for Information and Records from Physicians, and 179.6 Time Limits, regarding clarification on response time for requests for medical records and time limits for completion of an investigation of a complaint.

**Chapter 180**, Rehabilitation Orders, regarding requirements and limitations on eligibility for rehabilitation orders.

**Chapter 182**, Use of Experts, to include 182.3 Definitions, 182.4 Use of Consultants, 182.5 Expert Panel, new 182.5.1 Expert Physician Reviewers, 182.7 regarding selection, use and removal of members of the Expert Panel.

**Chapter 187**, Procedural Rules, to include Subchapter A, General Provisions and Definitions, 187.1 Purpose and Scope, 187.2 Definitions, 187.4 Agreement to be in Writing, 187.9 Board Actions; Subchapter B, Informal Board Proceedings, 187.10 Purpose, repeal of 187.12 Notice, new 187.14.1 Informal Resolution of Administrative Violations, 187.16 Informal Show Compliance Proceedings (ISCs), repeal of 187.17 Informal Show Compliance Proceeding Based on Written Information, 187.18 Informal Show Compliance Proceeding, 187.20 Board Action, 187.21 Board and District Review Committee Members Participation; Subchapter C, Formal Proceedings at SOAH, 187.23 General Provisions, 187.26 Service in SOAH Proceedings, 187.27 Written Answers in SOAH Proceedings and Default Orders, 187.28 Discovery, 187.29 Mediated Settlement Conferences, 187.30 Reporter and Transcripts, 187.31 Evidence, repeal of 187.32 Motions, 187.33 Proposals for Decision, repeal of 187.34 Exceptions and Replies, Subchapter D, Formal Board Proceedings, 187.36 Interlocutory Appeals and Certification of Questions, 187.37 Final Decisions and Orders, 187.42 Recusals, Subchapter E, Proceedings Relating to Probationers, 187.43 Proceedings for the Modification/Termination of Agreed Orders and Disciplinary Orders, new 187.45 Probationer Appearances, and Subchapter F, Temporary Suspension Proceedings, 187.56 Convening a Disciplinary Panel regarding process and revised options for board orders, composition of ISC panel, roles of ISC participants, and revisions to reflect APA requirements.

**Chapter 190**, Disciplinary Guidelines, to include Subchapter B, Violation Guidelines, 190.8 Violation Guidelines; Subchapter C, Sanction Guidelines, 190.14 Disciplinary Sanction Guidelines and 190.16 Administrative Penalties regarding clarification of disciplinary actions based on criminal actions and identification of administrative violations.

**Chapter 193**, Standing Delegation Orders 193.2 Definitions and 193.6 Delegation of the Carrying Out or Signing of Prescription Drug Orders to Physician Assistants and Advanced Practice Nurses, to include elimination of registration of prescriptive delegation with the board, the addition of documentation of prescriptive delegation by the physician, and the elimination of the Advisory Committee on Prescriptive Delegation Waiver requests.

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The Texas Medical Board, the state agency that regulates physicians, physician assistants, surgical assistants and acupuncturists, provides consumer protection through licensure, investigation and disciplinary action. The Board, under President Roberta M. Kalafut, D.O., and Executive Director Donald W. Patrick, M.D., J.D., and mandated by Senate Bill 104 of the 78th Legislature and S.B. 419 of the 79th Legislature, is strengthening and accelerating the disciplinary process for licensees who fail to meet the required standards of professional proficiency and behavior. Information on filing a complaint is on the agency web site at [www.tmb.state.tx.us](http://www.tmb.state.tx.us) or by calling (800) 201-9353.

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Open records requests for orders may be made to

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