

Board Rule Changes - July 4 and 8, 2012

The following Board Rules have been adopted and went into effect July 4 and 8, 2012. Visit the TMB's [Laws, Rules & FAQs](#) web page for more information.

Effective July 4, 2012:

Chapter 163 LICENSURE 22 TAC §163.2, 163.4, 163.5

The amendment to §163.2, relating to Full Texas Medical License, sets out medical graduation requirements for 5th pathway applicants to be consistent with rules relating to other types of applicants for full licensure.

The amendment to §163.4, relating to Procedural Rules for Licensure Applicants, provides that if an applicant for licensure has violated §170.002 or Chapter 171, Texas Health and Safety Code, the applicant will be considered ineligible for licensure.

The amendment to §163.5, relating to Licensure Documentation, amends the clinical clerkship affidavit regarding U.S. clinical clerkships so that language is consistent with the Board's processes; and provides a remedy for licensure to applicants for licensure who are otherwise ineligible for licensure due to a deficient medical clerkship obtained while in medical school.

Chapter 166 PHYSICIAN REGISTRATION 22 TAC §166.1, §166.3

The amendment to §166.1 provides that a physician will not be eligible for a registration permit if the physician has violated §170.002 or Chapter 171, Texas Health and Safety Code, consistent with HB15 that was passed during the 82nd Legislative Session.

The amendment to §166.3 provides that in order for a physician to return to active status from retired status, the physician may have to prove competency or otherwise remediate any deficiencies in ways consistent with §163.11 of the Board's rules related to the active practice of medicine.

Chapter 172 TEMPORARY AND LIMITED LICENSES 22 TAC §§172.8, 172.15, 172.16

The amendment to §172.8, relating to Faculty Temporary License, provides that applicants for Faculty Temporary Licenses (FTLs) shall be determined ineligible for FTLs based on the same reasons for ineligibility for full licensure.

The amendment to §172.15, relating to Public Health License, provides that any clinical medicine performed under public health license may not count toward active practice requirements for full licensure.

The amendment to §172.16, relating to Provisional Licenses for Medically Underserved Areas, provides that in addition to other reasons already provided by rule, a provisional license will be terminated upon determination of statutory ineligibility by the Executive Director.

CHAPTER 177 BUSINESS ORGANIZATIONS

22 TAC §177.5

The amendment provides changes consistent with SB1661 passed during the 82nd Regular Session. Changes include requiring non-profit health organizations to adopt and enforce policies to ensure that physicians employed by the organization exercise independent medical judgment when providing care to patients.

CHAPTER 183 ACUPUNCTURE

22 TAC §183.4

The amendment provides that applicants for licensure must demonstrate active practice within either of the two years prior to date of application and that the Board can issue temporary licenses to applicants to remedy active practice deficiencies.

CHAPTER 190 DISCIPLINARY GUIDELINES

22 TAC §190.8

The amendment adds that the Board will take disciplinary action if the physician is in violation of §170.002 or Chapter 171, Texas Health and Safety Code.

Effective July 8, 2012:

CHAPTER 198 STANDARDS FOR USE OF INVESTIGATIONAL AGENTS

22 TAC §198.1 - 198.3

The amendments to §198.1, relating to Purpose, establishes the purpose of the chapter to give physicians a reasonable and responsible degree of latitude in the use of investigational agents.

The amendments to §198.2, defines investigational agents, as well as exceptions to the definition.

The amendments to §198.3 establishes standards for the use of investigational agents, including the use of approved protocols, compliance with federal laws, and standards for patient assessments, treatment plans, and medical records.

