

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

Chapter 172

Temporary and Limited Licenses

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172.5. Visiting Physician Temporary Permit.

(a) Visiting Physician Temporary Permit - General.

(1) The executive director of the board may issue a permit to practice medicine to an applicant who intends to practice under the supervision of a licensed Texas physician, excluding training in postgraduate training programs:

(A) for educational purposes;

(B) ~~for in order~~ to practice charity care to underserved populations in Texas;

(C) in cases of declared emergency disasters;

(D) for the provision of forensic psychiatric examinations related to criminal matters; or

(E) for the provision of specialized medical care for which the applying physician has demonstrated good cause for the issuance of the permit.

(2) In order to be determined eligible for a visiting physician temporary permit the applicant must:

(A) not have any medical license that is under restriction, disciplinary order, or probation in another state, territory, or Canadian province;

(B) be supervised by a physician with an unrestricted license in Texas;

(C) present written verification from the physician who will be supervising the applicant that the physician will provide continuous supervision of the applicant. Constant physical presence of the physician is not required but the physician must remain readily available; and

(D) present written verification from the supervising physician as to the purpose for the requested permit.

~~(3)~~(2) Visiting physician temporary permits shall be valid for no more than ten working days and for a specified locale and purpose. The executive director of the board, in his/her discretion, may extend the length of the temporary permit if the applicant shows good cause for why the extended time is needed.

(b) Visiting Physician Temporary Permit - KSTAR.

(1) The executive director of the board may issue a permit to practice medicine to an applicant who intends to participate in the Texas A&M KSTAR program. In order to be determined eligible for a visiting physician temporary permit, the applicant must:

(A) present written verification from the KSTAR program of acceptance into the program;

(B) be supervised by a physician with an unrestricted license in Texas;

(C) present written verification from the physician who will be supervising the applicant that the physician will provide continuous supervision of the applicant. Constant physical presence of the physician is not required but the physician must remain readily available; and

(D) not have been convicted of a felony or have any medical license that is or has been under restriction, disciplinary order, or probation in another state, territory, or Canadian province based on a professional boundary violation, unless otherwise determined eligible by the Board.

(2) Visiting physician temporary permits for participation in the KSTAR program shall be valid for the length of the program. The executive director of the board, in his/her discretion, may extend the length of the temporary permit if the applicant shows good cause for why the extended time is needed.

172.12. Out-of-State Telemedicine License

(a) Qualifications. A person may not engage in the practice of medicine across state lines in this State, hold oneself as qualified to do the same, or use any title, word, or abbreviation to indicate or induce others to believe that one is licensed to practice across state lines in this state unless the person is actually so licensed. For a person to be eligible for an out-of-state telemedicine license to practice medicine across state lines under the Medical Practice Act, 151.056, and 163.1 of this title (relating to Definitions), the person must:

- (1) be 21 years of age or older;
- (2) be actively licensed to practice medicine in another state which is recognized by the board for purposes of licensure, and not the recipient of a previous disciplinary action by any other state or jurisdiction;
- (3) not be the subject of a pending investigation by a state medical board or another state or federal agency;
- (4) be currently certified by a member board of the American Board of Medical Specialties or Bureau of Osteopathic Specialists, or by the American Board of Oral and Maxillofacial Surgery, obtained by passing, within the ten years prior to date of applying for licensure, a monitored:
 - (A) specialty certification examination;
 - (B) maintenance of certification examination; or
 - (C) continuous certification examination;
- (5) have passed the Texas Medical Jurisprudence Examination;
- (6) complete a board-approved application for an out-of-state telemedicine license for the practice of medicine across state lines and submit the requisite initial fee; and
- (7) not be determined ineligible for licensure under subsection (b) of this section.

(b) Denial of Out-of-State Telemedicine License. An application for an out-of-state telemedicine license to practice medicine across state lines may be denied based on failure to demonstrate the requisite qualifications for issuance of an out-of-state license, ~~any~~ grounds for denial of an application for a full license pursuant to 155.003(e) of the Act, failure to submit the required fee, and any grounds for disciplinary action of a licensee under the Medical Practice Act, 164.051 (relating to Grounds for Denial or Disciplinary Action).

(c)-(e) (no change)