

Board Rule Changes - December 4, 2011

The following is a summary of the changes effective December 4, 2011. Click [here](#) for the complete board rules:

CHAPTER 163. LICENSURE

22 TAC §§163.1, 163.2, 163.6, 163.7, 163.11

The Texas Medical Board (Board) adopts amendments to §§163.2, 163.6, 163.7 and 163.11, concerning Licensure, without changes and §163.1 with minor grammatical changes to the proposed text as published in the September 16, 2011, issue of the Texas Register (36 TexReg 6108).

The amendment to §163.1, relating to Definitions, amends language based on passage of House Bill 1380 (82nd Regular Session) that amended Chapter 155 of the Texas Occupations Code and changed the current graduate medical training requirement for graduates of foreign medical schools from three years to two years for purposes of obtaining a full Texas medical license.

The amendment to §163.2, relating to Full Texas Medical License for Licensure, establishes an expedited licensure process for applicants who are military spouses in accordance with Senate Bill 1733 (81st Regular Session).

The amendment to §163.6, relating to Examinations Accepted for Licensure, in accordance with Senate Bill 867 (82nd Regular Session), provides that the Board will provide reasonable accommodations for those licensure applicants who have been diagnosed with dyslexia taking the jurisprudence examination.

The amendment to §163.7, relating to Ten Year Rule, provides that applicants for licensure who have not passed an acceptable licensure examination within the ten years prior to the date of application, must submit proof of passage of a monitored examination for board certification or recertification issued 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, passed within the ten years prior to date of applying for licensure. Current language allows for board certification examination or evaluation, which is inconsistent with the specialty boards' recent replacement of recertification with maintenance of continuous certification.

The amendment to §163.11, relating to Active Practice of Medicine, provides that applicants for licensure who have not actively practiced medicine within either of the two years prior to the date of application, must submit proof of passage of a monitored examination for board certification issued 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, passed within the two years prior to date of applying for licensure. Current language allows for examination or evaluation, which is inconsistent with the specialty boards' recent replacement of recertification with maintenance of continuous certification.

<http://www.sos.state.tx.us/texreg/archive/November252011/adopted/22.EXAMINING%20BOARDS.html#201>

CHAPTER 167. REINSTATEMENT AND REISSUANCE

22 TAC §167.8

The Texas Medical Board (Board) adopts an amendment to §167.8, concerning Certain Persons Ineligible for Reinstatement or Reissuance of License, without changes to the proposed text as published in the September 16, 2011, issue of the *Texas Register* (36 TexReg 6111) and will not be republished.

The amendment to §167.8 provides that in general, the Texas Medical Board may not grant reinstatement or reissuance of a license to a licensee who has received a felony conviction in relation to sexual abuse against a child, in accordance with Senate Bill 263 (82nd Regular Session).

<http://www.sos.state.tx.us/texreg/archive/November252011/adopted/22.EXAMINING%20BOARDS.html#205>

CHAPTER 172. TEMPORARY AND LIMITED LICENSES

22 TAC §§172.8, 172.12

The Texas Medical Board (Board) adopts amendments to §172.8, concerning Faculty Temporary License, with minor grammatical changes and §172.12, concerning Out-of-State Telemedicine License, without changes to the proposed text as published in the September 16, 2011, issue of the *Texas Register* (36 TexReg 6112).

The amendment to §172.8 provides that two rather than three years practicing under a faculty temporary license shall be the equivalent of two years of postgraduate training for the purpose of full licensure.

The amendment to §172.12 provides that applicants for out-of-state telemedicine licenses who have not passed an acceptable licensure examination within the 10 years prior to the date of application must submit proof of passage of a monitored examination for board certification issued 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, passed within the ten years prior to date of applying for licensure. Current language allows for current board

certification, which would include applicants who have been grandfathered and not required to pass monitored recertification examinations.

<http://www.sos.state.tx.us/texreg/archive/November252011/adopted/22.EXAMINING%20BOARDS.htm#207>

CHAPTER 175. FEES AND PENALTIES

22 TAC §§175.1, 175.2, 175.5

The Texas Medical Board (Board) adopts amendments to §175.1, concerning Application and Administrative Fees; §175.2, concerning Registration and Renewal Fees; and §175.5, concerning Payment of Fees or Penalties, without changes to the proposed text as published in the October 7, 2011, issue of the Texas Register (36 TexReg 6615) and will not be republished.

The amendment to §175.1 removes all language relating to surcharges as this term is used only for internal agency purposes and its removal eliminates confusion; increases the application fee for physician-in-training permits used to complete rotations in Texas by \$1 due to fee increases set by the Department of Information Resources; and sets the fee at \$18 for the processing of Physician/Physician Assistant Jointly-Owned Entity Annual Reports.

The amendment to §175.2 removes all language relating to surcharges as this term is used only for internal agency purposes and its removal eliminates confusion.

The amendment to §175.5 provides that additional fees shall be incurred by individuals who renew their applications online or through hard-copy, depending on the format.

<http://www.sos.state.tx.us/texreg/archive/November252011/adopted/22.EXAMINING%20BOARDS.html#213>

CHAPTER 178. COMPLAINTS

22 TAC §§178.2 - 178.5, 178.9

The Texas Medical Board (Board) adopts amendments to §§178.4, 178.5, and new §178.9, concerning Complaints, without changes to the proposed text as published in the September 30, 2011, issue of the Texas Register (36 TexReg 6419). Section 178.2 and §178.3 are adopted with minor grammatical changes to the proposed text and will be republished.

The amendment to §178.2, relating to Definitions, deletes language that allows persons to file anonymous complaints.

The amendment to §178.3, relating to Complaint Procedure Notification, requires autopsy facilities to post notices on how to file complaints with the Board.

The amendment to §178.4, relating to Complaint Initiation, establishes that licensees shall be provided the name and address of complainants who are insurance or pharmaceutical companies.

The amendment to §178.5, relating to Preliminary Investigation of a Complaint, extends the preliminary investigation timeline from 30 to 45 days.

New §178.9, relating to Statute of Limitations, creates statute of limitations of seven years for standard of care complaints (except for cases re: minors) to match medical record retention requirements.

<http://www.sos.state.tx.us/texreg/archive/November252011/adopted/22.EXAMINING%20BOARDS.html#215>

CHAPTER 184. SURGICAL ASSISTANTS

22 TAC §§184.4 - 184.6

The Texas Medical Board (Board) adopts amendments to §§184.4 - 184.6, concerning Surgical Assistants, without changes to the proposed text as published in the September 16, 2011, issue of the Texas Register (36 TexReg 6115) and will not be republished.

The amendment to §184.4, relating to Qualifications for Licensure, establishes an expedited licensure process for applicants who are military spouses in accordance with Senate Bill 1733 (81st Regular Session).

The amendment to §184.5, relating to Procedural Rules for Licensure Applicants, provides for expiration of applications after one year and grounds for licensure application extensions that are consistent with those for medical licensure.

The amendment to §184.6, relating to Licensure Documentation, provides that applicants must provide transcripts as part of the licensure application process, and that the Board may allow for substitute documentation after proof that an applicant has made exhaustive efforts to obtain documentation originally requested.

<http://www.sos.state.tx.us/texreg/archive/November252011/adopted/22.EXAMINING%20BOARDS.html#219>

CHAPTER 195. PAIN MANAGEMENT CLINICS

22 TAC §195.2, §195.4

The Texas Medical Board (Board) adopts amendments to §195.2, concerning Certification of Pain Management Clinics, and §195.4, concerning Operation of Pain Management Clinics, without changes to the proposed text as published in the September 30, 2011, issue of the Texas Register (36 TexReg 6434) and will not be republished.

The amendments set out that in cases where a pain management clinic is owned by multiple physicians, only the medical director must submit an application for certification to the Board. Additional amendments include provisions relating to the temporary suspension of certification, confidentiality of the Board's records relating to applications for and investigations of pain management clinics, and expiration of applications.

<http://www.sos.state.tx.us/texreg/archive/November252011/adopted/22.EXAMINING%20BOARDS.html#221>