

Rule Changes Effective January 24, 2016

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CHAPTER 163. LICENSURE

§163.1, Definitions

The amendments to 163.1, relating to Definitions, added definitions for “Active Duty” and “Armed Forces of the United States” and amends definitions for “Military service member” “Military spouse” and “military veteran.” These amendments are in accordance with the passage of SB1307 (84th Reg. Session) which amended Chapter 55 of the Tex. Occ. Code.

§163.2, Full Texas Medical License

The amendments to 163.2, relating to Full Texas Medical License, adds language to 163.2(d), expanding subsection (d), Alternative Licensing Procedure, to include military service members and military veterans. The amendment also includes language allowing the executive director to waive any prerequisite to obtaining a license for an applicant described by subsection (d)(1) after reviewing the applicant’s credentials. These amendments are in accordance with the passage of SB1307 (84th Reg. Session) which amended Chapter 55 of the Tex. Occ. Code.

CHAPTER 166. PHYSICIAN REGISTRATION

§166.1, Physician Registration

The amendment to 166.1, relating to Physician Registration, adds new subsection (h) providing that military service members who hold a license to practice in Texas are entitled to two years of additional time to complete any other requirement related to the renewal of the military service member’s license. This amendment is in accordance with the passage of SB1307 (84th Reg. Session) which amended Chapter 55 of the Tex. Occ. Code.

§166.2, Continuing Medical Education

The amendment to 166.2, relating to Continuing Medical Education, adds new subsection (p) providing that a physician, who is a military service member, may request an extension of time, not to exceed two years, to complete any continuing medical education requirements. This amendment is in accordance with the passage of SB1307 (84th Reg. Session) which amended Chapter 55 of the Tex. Occ. Code.

CHAPTER 171. POSTGRADUATE TRAINING PERMITS

§171.5, Duties of PIT Holders to Report

The amendment to 171.5, relating to Duties of PIT Holders to Report, amends section (b)(3) by eliminating the word “could.” This amendment is necessary to align the rule with the PIT application questions relating to impairment.

CHAPTER 172. TEMPORARY AND LIMITED LICENSES

§172.5, Visiting Physician Temporary Permit

The amendments to 172.5, relating to Visiting Physician Temporary Permit, adds language to subsection (a)(2) by requiring an applicant for such permit to have an active medical license in another state,

territory, Canadian province, or country and mandates that such license may not be under investigation. Subsections (a)(2) and (b)(1) are further amended to provide that a supervising physician for any Visiting Physician Permit holder may not have an investigation or proceeding pending for the restriction, cancellation, suspension, revocation, or other discipline of the supervising physician's medical license, permit, or authority to practice medicine. These amendments will ensure that a Visiting Physician Temporary Permit holder has demonstrated the qualifications for licensure in another state, territory, Canadian province, or country and is not the subject of an investigation or subject to any disciplinary order. These amendments also ensure that a Visiting Physician Temporary Permit holder will have adequate and competent oversight of a supervising physician that is not the subject of any pending investigation.

CHAPTER 175. FEES AND PENALTIES

§175.3, Penalties

The amendment to 175.3, relating to Penalties, adds new subsection (7) providing that a Military Service Member is exempt from any penalty for failing to renew the license in a timely manner if the individual establishes that such failure to timely renew was because the individual was serving as a military service member. This amendment is in accordance with the passage of SB1307 (84th Reg. Session) which amended Chapter 55 of the Tex. Occ. Code.

§175.4, Fee Exemption for Military Service Member, Military Veteran, or Military Spouse

New section 175.4 is added to Chapter 175, relating to Fee Exemption for Military Service Member, Military Veteran, or Military Spouse, thereby exempting Military Service Members, Military Veterans and Military Spouses from license application fees. This amendment is in accordance with the passage of SB807 (84th Reg. Session) which amended Chapter 55 of the Tex. Occ. Code.

CHAPTER 178. COMPLAINTS

§178.3, Complaint Procedure Notification

The amendment to 178.3, relating to Complaint Procedure Notification, corrects an incorrect reference to the Health and Safety Code in subsection (a)(2). This amendment is necessary in order to have clear and accurate citations in the rule.

CHAPTER 183. ACUPUNCTURE

§183.14, Acudetox Specialist

The amendments to 183.14, relating to Acudetox Specialist, adds language in Section (b)(4) to clarify that an Acudetox Specialist shall work under the supervision of a current and active licensed Texas physician or licensed Texas acupuncturist and such supervision shall be registered with the board and updated within 30 days of any change in such supervision. The amendment further clarifies that the Acudetox Specialist shall work pursuant to protocols developed by the Acudetox Specialist and supervising physician or acupuncturist and such protocols shall be agreed upon and signed by the supervising licensee and the acudetox specialist, reviewed and signed at least annually and maintained on site. Section (j)(3) is also amended to eliminate an incorrect amount related to fees. These amendments clarify the existing rule requirements and provide guidance for compliance.

§183.25, Inactive Status License

New section 183.25, is added to Chapter 183, relating to Inactive Status License, governs the creation of an inactive status license for acupuncture license holders with a current registration permit and license in good standing.

§183.26, Retired License

New section 183.26, is added to Chapter 183, relating to Retired License, governs the creation of a retired license status for acupuncture license holders who meet certain requirements.

CHAPTER 184. SURGICAL ASSISTANTS

§184.2, Definitions

The amendments to 184.2, relating to Definitions, added definitions for “Active Duty” and “Armed Forces of the United States” and amends definitions for “Military service member” “Military spouse” and “military veteran.” These amendments are in accordance with the passage of SB1307 (84th Reg. Session) which amended Chapter 55 of the Tex. Occ. Code.

§184.4, Qualifications for Licensure

The amendments to 184.4, relating to Qualifications for Licensure, adds language to 184.4(c), expanding subsection (d), Alternative Licensing Procedure, to include military service members and military veterans. The amendment also includes language allowing the executive director to waive any prerequisite to obtaining a license for an applicant described by subsection (c)(1) after reviewing the applicant’s credentials. These amendments are in accordance with the passage of SB1307 (84th Reg. Session) which amended Chapter 55 of the Tex. Occ. Code.

§184.6, Licensure Documentation

The amendment to 184.6, relating to Licensure Documentation, amends language in subsection (b)(3) to clarify the requirements for submitting examination verification to the board. This amendment clarifies the existing rule and provides guidance for applicants.

§184.8, License Renewal

The amendment to 184.8, relating to License Renewal, adds new subsection (h) providing that military service members who hold a license to practice in Texas are entitled to two years of additional time to complete any other requirement related to the renewal of the military service member’s license. This amendment is in accordance with the passage of SB1307 (84th Reg. Session) which amended Chapter 55 of the Tex. Occ. Code.

§184.21, Impaired Surgical Assistants

The amendment to 184.21, relating to Impaired Surgical Assistants, deletes subsection (b) referencing rehabilitation orders, and adds new language allowing the board to refer impaired surgical assistants to the Texas Physician Health Program. This amendment will ensure that the Board’s rules are consistent with Board processes.

§184.25, Continuing Education

The amendment to 184.25, relating to Continuing Education, adds new subsection (m) providing that a surgical assistant, who is a military service member, may request an extension of time, not to exceed two years, to complete any continuing education requirements. This amendment is in accordance with the passage of SB1307 (84th Reg. Session) which amended Chapter 55 of the Tex. Occ. Code.