

Rule Changes Effective June 5, 2014

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CHAPTER 175. FEES AND PENALTIES

§175.1, Application and Administrative Fees

The amendments to 175.1, relating to Application and Administrative Fees, increases application fees in accordance with the 2014-2015 General Appropriations Act (Senate Bill 1), Texas Medical Board Contingent Revenue Rider 5 (83rd Reg. Session).

§175.2, Registration and Renewal Fees

The amendments to 175.2, relating to Registration and Renewal Fees, increases registration and renewal fees in accordance with the 2014-2015 General Appropriations Act (Senate Bill 1), Texas Medical Board Contingent Revenue Rider 5 (83rd Reg. Session).

CHAPTER 185. PHYSICIAN ASSISTANTS

§185.2, Definitions

The amendments to §185.2, relating to Definitions, added definitions for “military service member,” “military spouse” “military veteran” based on SB0162 (83rd Reg. Session) that amended Chapters 55 of the Texas Occupations Code to credit certain verified service, training, or education for applicants with military experience and to create an expedited licensure process for military spouses. Further, clean up changes and a definition for “prescriptive authority agreement” was added based upon the passage of SB406 (83rd Reg. Session), which amended Chapter 157 of the Medical Practice Act so that a physician is authorized to delegate to a physician assistant the act of prescribing or ordering a drug or device through a prescriptive authority agreement.

§185.4, Procedural Rules for Licensure Applicants

The amendments to §185.4, related to Procedural Rules for Licensure Applicants, adds language to 185.4(f) requiring the Board to notify applicants who meet the definition of a military spouse in writing or by electronic means of license renewal requirements, in accordance with SB0162. Additionally, language is added creating a new subsection (g), which requires crediting certain verified service, training, or education for applicants with military experience, based on the passage of SB0162.

§185.10, Physician Assistant Scope of Practice

The amendments to §185.10, relating to Physician Assistant Scope of Practice, makes a correction in the first paragraph of the rule to a reference to the rule’s numbered subsections. Amendments to

Subsections (8) and (9) deletes “sign a prescription drug order at a site” and “the signing or completion of a prescription”, and add “or order a drug or device” and “prescribing or ordering a drug or device” to comport with changes made by SB406 to Chapter 157 of the Medical Practice Act, which amends language so that a physician is authorized to delegate the prescribing or ordering of a drug or device rather than signing or completing a prescription.

§185.11, Tasks Not Permitted to be Delegated to a Physician Assistant

The amendment to §185.11, relating to Tasks Not Permitted to be Delegated to a Physician Assistant, deletes language referencing site-based prescriptive authority, in accordance with amendments made by SB406 to Chapters 157 and 204 of the Texas Occupation Code.

§185.13, Notification of Intent to Practice and Supervise

The amendments to §185.13, relating to Notification of Intent to Practice and Supervise, adds the language “prescriptive authority agreements” and “as applicable,” reflecting changes made by SB406’s amendment of Chapter 157 of the Medical Practice Act authorizing a physician to delegate to a physician assistant the act of prescribing or ordering a drug or device through a prescriptive authority agreement between the physician and the physician assistant.

§185.14, Physician Supervision

The amendments to §185.14, relating to Physician Supervision, deletes and adds language in subsection (b) as part of a general cleanup of the rule and adds language requiring a physician assistant to immediately notify his or her supervising physician of any change in licensure status, including, but not limited to a permit expiration, license cancellation, or entry of a disciplinary order. The terms “prescriptive authority agreements” is also added to subsection (d) to comport with changes made by SB406’s amendment of Chapter 157 of the Medical Practice Act authorizing a physician to delegate to a physician assistant the act of prescribing or ordering a drug or device through a prescriptive authority agreement between the physician and the physician assistant.

§185.30, Prescriptive Authority Agreements

New section 185.30, titled Prescriptive Authority Agreements, generally, provides that physicians may delegate to a physician assistant acting under adequate physician supervision the act of prescribing or ordering a drug or device through a prescriptive authority agreement, in conformance with Chapter 157 of the Texas Occupations Code and Title 22, Chapter 193 of the Texas Administrative Code, as amended by SB 406.

§185.31, Prescriptive Authority Agreements

New section 185.31, titled Prescriptive Authority Agreements: Minimum Requirements, sets forth minimum requirements for valid prescriptive authority agreements, including requirements for periodic face-to-meetings with the supervising physicians to discuss patient care, to comport with requirements under Chapter 157 of the Texas Occupations Code and Title 22, Chapter 193 of the Texas Administrative Code, as amended by SB406.

CHAPTER 187. PROCEDURAL RULES

§187.35, Presentations of Proposal for Decision

The amendment to §187.35, relating to Presentation of Proposal for Decision, provides that the ALJ must be given notice of the opportunity to provide to the Board a summation of the proposal for decision, that the ALJ is not required to attend the presentation of the proposal for decision, and that notice may be provided to the ALJ by methods that include facsimile, e-mail, and telephone. Further, language is added referencing final orders.

§187.37, Final Decisions and Final Orders

The amendment to §187.37, relating to Final Decisions and Orders, adds procedural requirements and definitions for “Final Decision” and “Final Order.” The amendment further provides that the Board may only seek judicial review of an ALJ’s findings and conclusions of law in the form of a Final Decision, that the determination of that appeal is conclusive to both the board and licensee as to the findings of fact and conclusions of law, and that upon resolution of the Board’s appeal, the Board shall determine the charges on the merits and issue a Final Order, the sanctions of which may be appealed by the licensee. The amendment further provides that if the board does not seek judicial review of a Final Decision and issues instead a Final Order, the licensee retains the rights under the APA to appeal the Final Order’s findings of fact, conclusions of law, and the sanctions.

§187.38, Motions for Rehearing

The amendment to §187.38, relating to Motions for Rehearing, makes references to “Final Order” and “Final Decision” and makes general edits of other language in order to maintain consistency with proposed amendments under §187.37.

CHAPTER 189. COMPLIANCE PROGRAM

§189.4 Limitation on Physician Probationer’s Practice

The amendment to §189.4, relating to Limitation on Physician Probationer’s Practice, corrects a citation made to §185.2.