

Board Rule Changes - May 13 and 15, 2012

The following Board Rules have been adopted and went into effect May 13, 2012. Visit the TMB's [Laws, Rules & FAQs](#) web page for more information.

Chapter 166 PHYSICIAN REGISTRATION 22 TAC §166.2

The amendment to §166.2 provides that physicians that treat tick-borne diseases should complete relevant CME as required by Senate Bill 1360.

Chapter 175 FEES AND PENALTIES 22 TAC §175.5

The amendment clarifies that additional fees for hard-copy registrations are only for renewal purposes and not initial applications for licensure.

Chapter 178 COMPLAINTS 22 TAC §§178.3

The amendment changes language regarding required notice posting by autopsy facilities to refer to "persons" rather than "physicians" and adds two new figures to subsection (d).

CHAPTER 185 PHYSICIAN ASSISTANTS 22 TAC §185.4

The amendment provides grounds for the extension of licensure applications that have been on file with the Board for over one year and allows for an alternative licensure process for military spouses.

CHAPTER 187. PROCEDURAL RULES 22 TAC §187.13

The amendment changes the appeal process for licensure applicants who are denied licensure or approved for licensure under an agreed order or remedial plan. The amendment provides that all appeals must be referred to SOAH and eliminates the ability of applicants to request rehearings before the Licensure Committee. In addition, an applicant may not withdraw an application for licensure once the matter has been referred to SOAH.

CHAPTER 190 DISCIPLINARY GUIDELINES 22 TAC §190.15

The amendment provides that mitigating factors in a matter before the Board where a licensee is in violation of the Medical Practice Act do not require that the Board dismiss the case. In cases relating to violations of treatment of tick-borne diseases, a mitigating factor to be considered by the Board is if the licensee completed CME on the topic within two years prior to the opening of the Board investigation.

The following Board Rules have been adopted and went into effect May 15, 2012.

CHAPTER 171 POSTGRADUATE TRAINING PERMITS
22 TAC §171.3

The amendment provides that physician-in-training permit holders may do internal moonlighting under limited conditions.

CHAPTER 192 OFFICE-BASED ANESTHESIA SERVICES
22 TAC §192.1, §192.2

The amendment to §192.1, relating to Definitions, adds the definition for the American Safety and Health Institute (ASHI), clarifies Basic Life Support (BLS), and clarifies the definition of Level II services to be dosage greater than one dose of Level 1 or tumescent anesthesia.

The amendment to §192.2, amends language to recognize ASHI as an approved BLS and Advanced Cardiac Life Support (ACLS) certifier, and deletes language that required TMB to review and approve certification courses.

CHAPTER 192 PAIN MANAGEMENT CLINICS
22 TAC §195.2

The amendment removes the rehearing process for those applicants who are denied pain management clinic certification by the Board; requires that applicants for a pain management clinic certification be able to demonstrate that they are engaged in the active practice of medicine as defined by Board rule §163.11; and that ownership of a pain management clinic is the practice of medicine.