

Board Rule Changes - February 28, 2011

The following is a summary of the changes effective February 28, 2011. Click [here](#) for the complete board rules:

Chapter 163: Licensure, amendment to **§163.13**, relating to Expedited Licensure Process, deletes language that requires applicants for an expedited license to practice medicine to submit proof of eligibility for a visa immigration waiver.

<http://www.sos.state.tx.us/texreg/archive/February252011/adopted/22.EXAMINING%20BOARDS.html#235>

Chapter 171: Postgraduate Training Permits, amendment to **§171.2**, relating to Construction, removes reference to "annual" reporting requirements since annual reports are no longer required under 171.5; and the amendment to **§171.5**, relating to Duties of PIT Holders to Report, clarifies that fines, citations, or violations that are over \$250 must be reported, excluding traffic tickets unless the traffic violations relate to the use of alcohol or drugs.

<http://www.sos.state.tx.us/texreg/archive/February252011/adopted/22.EXAMINING%20BOARDS.html#237>

Chapter 183, Acupuncture, amendment to **§183.15**, relating to Use of Professional Titles, describes when and how a licensee may use additional professional titles in advertising and other related materials. Amendment to **§183.20**, Continuing Acupuncture Education, clarifies that to become an approved CAE provider, the provider must submit to the board evidence that the provider has three continuous years of previous experience providing at least one different CAE course in Texas in each of those years. Amendment to **§183.3**, Meetings, provides that committee minutes are to be approved by the full board rather than by committee which is required under Robert's Rules of Order.

<http://www.sos.state.tx.us/texreg/archive/February252011/adopted/22.EXAMINING%20BOARDS.html#242>

<http://www.sos.state.tx.us/texreg/archive/February252011/adopted/22.EXAMINING%20BOARDS.html#240>

Chapter 187: Procedural Rules, amendment to **§187.8**, relating to Subpoenas, establishes that the party requesting the Board to issue a subpoena in relation to a case filed at the State Office of Administrative Hearings (SOAH) is responsible for accomplishing service of the subpoena. Amendment to **§187.14**, relating to Informal Disposition of Disciplinary Issues Against a Licensee, provides that if the licensee fails to accept an offer of settlement by the Quality Assurance Committee, or if the licensee requests that an Informal Settlement Conference (ISC) be held, the offer shall be deemed to be rejected and an ISC shall be held which is the current process. The

current language says that an ISC is to be scheduled rather than "held." Amendment to **§187.27**, relating to Written Answers in SOAH Proceedings and Default Orders, amends the process for issuance of default orders. Under the proposed language, if a licensee fails to timely file a response in a SOAH case, SOAH may at Board staff's request, remand the case to the Board and the Board will then rule on the staff attorney's motion for default, and issue a default order if warranted. This differs from the current process that requires the Board's general counsel to make a determination of default before the case may be remanded by SOAH. Amendment to **§187.55**, relating to Purpose, makes grammatical changes; and amendment to **§187.59**, relating to Evidence, provides that documentary evidence for temporary suspension hearings with notice must be prefiled with the Board 24 hours prior to the scheduled hearing. Admission of documentary evidence after the 24 hours shall be admitted only upon a showing of good cause. In addition, documentary evidence must be submitted in electronic format in all cases where the Respondent has been provided notice that a panel member will be appearing by phone.

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