

## TMB Legislative Update - 87th Legislative Session (2021)

**Note: Bills are organized into three categories as delineated below. Bill text and background information for each bill is available via [Texas Legislature Online](#). The information provided below is for general information purposes only and is not intended to be a comprehensive description of each bill or a comprehensive listing of all bills related to the practice of medicine.**

Bill # & Author	Subject	Key Provisions	Effective Date
<b>CATEGORY 1 - LICENSING, ENFORCEMENT, &amp; AGENCY ADMINISTRATION</b>			
HB 119 (Landgraf)	Organ Transplant Discrimination Prohibition	<ul style="list-style-type: none"> <li>• Prohibits a health care provider or health care facility from determining an individual is ineligible for medical services related to an organ transplant based on a disability.</li> <li>• Permits disciplinary action by the regulatory agency that issued a license, certificate, or other authority to a health care provider who commits the violation.</li> </ul>	9/1/21
HB 139 (Buckley)	Occupational licensing of certain military veterans and spouses	<ul style="list-style-type: none"> <li>• Permits a state agency that issues a license to adopt rules that would establish alternate methods for a military service member, military veteran, or military spouse to demonstrate competency to meet the requirements for obtaining the license, including receiving appropriate credit for training, education, and clinical and professional experience.</li> <li>• Requires agency to adopt rules regarding documentation necessary for a military spouse applicant to establish residency for purposes.</li> </ul>	9/1/21
HB 1280 (Capriglione)	Prohibition of abortion	<ul style="list-style-type: none"> <li>• Prohibits a person from knowingly performing, inducing, or attempting an abortion and requires the appropriate licensing authority to revoke the license, permit, registration, certificate, or other authority of a physician or other health care professional who performs, induces, or attempts an abortion.</li> <li>• Would take effect 30 days after the Supreme Court overturns Roe v. Wade or after a court ruling or constitutional amendment gives states the authority to prohibit abortions.</li> </ul>	9/1/21
HB 1434 (Oliverson)	Limitations on Pelvic Exams	<ul style="list-style-type: none"> <li>• Prohibits health care practitioners from performing pelvic examinations on anesthetized or unconscious patients except in certain situations.</li> <li>• Authorizes TMB to take disciplinary action against health care practitioners for a violation.</li> </ul>	9/1/21

<p>HB 1535 (Klick)</p>	<p>Medical use of low-THC cannabis for certain medical conditions</p>	<ul style="list-style-type: none"> <li>• Expands patient eligibility for low-THC cannabis prescriptions and establishes a compassionate-use institutional review board. <ul style="list-style-type: none"> <li>○ Allows licensed physicians to prescribe low-THC cannabis to patients with certain conditions and veterans with PTSD.</li> <li>○ Permits TMB to adopt rules regarding the certification of a physician by an institutional review board.</li> </ul> </li> </ul>	<p>9/1/21</p>
<p>HB 1616 (Bonnen)</p>	<p>Interstate Medical Licensure Compact</p>	<ul style="list-style-type: none"> <li>• Authorizes the state of Texas to participate in the Interstate Medical Licensure Compact to issue expedited licensure to qualified and eligible applicants seeking to practice medicine in multiple states under the terms and provisions of the compact.</li> </ul>	<p>9/1/21</p>
<p>SB 968 (Kolkhorst)</p>	<p>Public health disaster and public health emergency preparedness and response</p>	<ul style="list-style-type: none"> <li>• Prohibits TMB, during a declared state of disaster, from issuing an order or adopting a regulation that limits or prohibits a nonelective medical procedure; defines nonelective procedure.</li> <li>• Permits TMB to issue an order or adopt a regulation imposing a temporary limitation or prohibition on a medical procedure other than a nonelective medical procedure only if the limitation or prohibition is reasonably necessary to conserve resources for nonelective medical procedures or resources needed for disaster response. The order or regulation may not continue for more than 15 days unless it is renewed by the TMB.</li> <li>• A person who in good faith acts or fails to act in accordance with an order or regulation is not subject to disciplinary action for that act or failure to act.</li> </ul>	<p>6/7/21</p>
<p>SB 1414 (Huffman)</p>	<p>Extended timeframe for passing licensing exams</p>	<ul style="list-style-type: none"> <li>• Extends the deadline to take and pass qualifying examinations for applicants simultaneously seeking a doctor of medicine (MD) or osteopathy (DO) and a doctor of philosophy (PhD).</li> <li>• Requires that applicants pass each applicable examination no later than the second anniversary of the date the applicant completed all their graduate medical training or the 12th anniversary of the date the applicant began their graduate medical training, whichever date occurs first.</li> <li>• Directs TMB to adopt rules.</li> </ul>	<p>6/7/21</p>
<p>SB 1895 (Huffman)</p>	<p>Statute of limitations on fertility fraud complaints.</p>	<ul style="list-style-type: none"> <li>• Changes the time-frame after which the TMB can no longer consider or act on a complaint related to fertility fraud. Allows TMB to consider these complaints if received within seven years of the date of care or within two years from the date the complainant knew or should have known of the violation, whichever date is later.</li> </ul>	<p>9/1/21</p>

**CATEGORY 2 - HEALTH CARE DELIVERY & PRACTICE (delegation, medical records, etc.)**

<p>HB 549 (S. Thompson)</p>	<p>Disclosure of Mental Health Information</p>	<ul style="list-style-type: none"> <li>• Allows certain professionals (i.e. physicians or those licensed or certified by this state to diagnose, evaluate, or treat any mental or emotional condition or disorder who work with a patient with a mental or health condition or disorder) to disclose confidential information to mental health personnel if the professional determines there is a probability of imminent physical injury by the patient to the patient or others or a probability of immediate mental or emotional injury to the patient.</li> <li>• Prevents a civil, criminal, or administrative cause of action against these persons for disclosure.</li> </ul>	<p>9/1/21</p>
<p>HB 1935 (Bucy)</p>	<p>Emergency refills of insulin and insulin-related equipment or supplies</p>	<ul style="list-style-type: none"> <li>• Allows pharmacists to provide a 30-day emergency refill of insulin or insulin-related equipment or supplies without the authorization of the prescribing practitioner if certain conditions apply.</li> <li>• Exempts a prescribing practitioner from liability for an act or omission by a pharmacist in dispensing an emergency refill of insulin or insulin-related equipment or supplies.</li> </ul>	<p>9/1/21</p>
<p>HB 2093 (Cortez)</p>	<p>Physician assistants as non-physician mental health professionals</p>	<ul style="list-style-type: none"> <li>• Expands the definition of "non-physician mental health professional" to include a physician assistant licensed to practice in Texas who has expertise in psychiatry or was currently working in a mental health facility.</li> </ul>	<p>9/1/21</p>
<p>HB 4048 (Allison)</p>	<p>Physician Assistant (PA) completion of death certificates</p>	<ul style="list-style-type: none"> <li>• Permits a PA of a decedent to complete the medical certification for death certificates or fetal death certificates if the death occurred under the care of the person in connection with the treatment of the condition or disease process that contributed to the death.</li> </ul>	<p>6/15/21</p>

<p>SB 993 (Hancock)</p>	<p>Therapeutic optometrist's treatment of glaucoma; providing for a peer review process</p>	<ul style="list-style-type: none"> <li>• Removes certain restrictions on the prescribing of oral medications by therapeutic optometrists and allows them to independently manage most types of glaucoma cases.</li> <li>• Requires the Texas Optometry Board and TMB to collaboratively adopt rules for investigating complaints regarding treatment of a patient's glaucoma by a therapeutic optometrist.</li> </ul>	<p>9/1/21</p>
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<p><b>CATEGORY 3 – MISCELLANEOUS</b></p>			
<p>SB 8 (Hughes)</p>	<p>'Heartbeat' Abortion Ban</p>	<ul style="list-style-type: none"> <li>• Prohibits a physician from knowingly performing or inducing an abortion if the physician has determined there is a detectable fetal heartbeat or fails to perform a test to detect a fetal heartbeat.</li> <li>• If a physician performs or induces an abortion under medical emergency circumstances, they are required to make written notations in the medical record. Physician would also be required to maintain a copy of a document in the physician's practice records.</li> <li>• Physician required to report to HHSC whether an abortion was performed or induced because of a medical emergency and circumstances informing the decision.</li> <li>• Provides no exception for rape or incest.</li> <li>• The requirements of the law are enforced exclusively through the private civil actions.</li> </ul>	<p>9/1/21</p>
<p>SB 284 (Seliger)</p>	<p>Study of out-of-state physicians who practiced in Texas during the COVID-19 pandemic</p>	<ul style="list-style-type: none"> <li>• Requires a one-time report to be completed by TMB regarding the basic performance, such as number of disciplinary reviews or actions taken by the board, of out-of-state licensed physicians who practiced during the COVID-19 pandemic under the board's disaster emergency licensure rule.</li> <li>• Report due not later than December 1, 2022.</li> </ul>	<p>6/4/21</p>