

PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. ~~[Square brackets and strikethrough]~~ indicate existing rule text that is proposed for deletion. “(No change)” indicates that existing rule text at this level will not be amended.

TITLE 22. EXAMINING BOARDS

PART 9. TEXAS MEDICAL BOARD

CHAPTER 161. GENERAL PROVISIONS

SUBCHAPTER B. GENERAL LICENSURE REQUIREMENTS

22 TAC §161.8

The Texas Medical Board (Board) proposes new §161.8, concerning Evaluation of Professional or Work History. The proposed new section describes the evaluation of professional or work history for physician licensure applicants. This section was erroneously excluded from the Board's proposed new rules published and adopted in 2024 during its rule review. This proposal remedies that error.

Scott Freshour, General Counsel for the Texas Medical Board, has determined that, for each year of the first five years the proposed repeals and new sections are in effect, the public benefit anticipated as a result of enforcing these proposed sections will be to remove redundant language from rules, simplify the rules, and make the rules easier to understand.

Mr. Freshour has determined that for the first five-year period the proposed new section is in effect, there will be no fiscal impact or effect on government growth as a result of enforcing the proposed section.

Mr. Freshour has also determined that for the first five-year period the proposed new section is in effect there will be no probable economic cost to individuals required to comply with the proposed section.

Pursuant to Texas Government Code §2006.002, the agency provides the following economic impact statement for the proposed new section and determined that for each year of the first five years the new section will be in effect there will be no effect on small businesses, micro businesses, or rural communities. The agency has considered alternative methods of achieving the purpose of the proposed new section and found none.

Pursuant to Texas Government Code §2001.024(a)(4), Mr. Freshour certifies that this proposal has been reviewed and the agency has determined that for each year of the first five years these new section is in effect:

- (1) The proposed new section does not create or eliminate a government program.
- (2) Implementation of the proposed new section does not require the creation of new employee positions or the elimination of existing employee positions.

(3) Implementation of the proposed new section does not require an increase or decrease in future legislative appropriations to the agency.

(4) The proposed section does not require an increase or decrease in fees paid to the agency.

(5) These proposed new section does not create new regulations.

(6) The proposed new section does not repeal existing regulations as described above. These proposed new section does not expand or limit an existing regulation.

(7) The proposed new section does not increase the number of individuals subject to the sections' applicability.

(8) The new sections do not positively or adversely affect this state's economy.

Comments on the proposal may be submitted via email to rules.development@tmb.state.tx.us. Comments will be accepted for 30 days after the date of publication.

The new rule is proposed under the authority of the Texas Occupations Code Annotated, §153.001, which provides authority for the Board to recommend and adopt rules and bylaws as necessary to perform its duties and enforce this subtitle. No other statutes, articles or codes are affected by this proposal.

§161.8. Evaluation of Professional or Work History.

(a) All applicants must submit professional or work history evaluations demonstrating or relating to the clinical practice as a physician in the preceding five years from the date of application.

(b) The last three years of the applicant's five year professional or work history will be examined. The Executive Director may offer to an applicant that cannot demonstrate current clinical practice as a physician within the last three years from the date of application such remedial measures necessary to ensure protection of the public and minimal competency of the applicant to safely practice.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 6, 2025.

TRD-202500010

Scott Freshour

General Counsel

Texas Medical Board

Earliest possible date of adoption: February 16, 2025

For further information, please call: (512) 305-7059

