

# ***STOP SB 268***

## **UNAUTHORIZED MEDICAL PRACTICE**

Protecting patients must come first, yet **Senate Bill 268 severely undermines the Texas Medical Board's (TMB's) authority** to carry out that important function.

TMB has long possessed the authority to issue cease-and-desist orders – as have other licensing agencies like the nursing, physician assistant, and pharmacy boards.<sup>1,2</sup> These powers allow TMB to act swiftly when nonphysician health care practitioners are engaging in, or threatening to engage in, the unauthorized practice of medicine.

SB 268 as written proposes to take away that important enforcement mechanism by stripping TMB's ability to issue such cease-and-desist orders and issue administrative penalties for any violations of those orders. While the bill would implement beneficial measures for promptly sharing complaints among health care licensing agencies, it eviscerates such benefits by giving those agencies discretion to hold any complaints regarding their licensees that the TMB receives and forwards to them.

**This is a matter of patient safety.**

### **PATIENT SAFETY, ENFORCEMENT UNDERMINED**

If TMB's hands are tied under this bill, the resulting delay – which may be indefinite if the original licensing entity fails to ever refer the complaint back – puts patients' well-being in immediate danger when nonphysician health care practitioners act outside of the scope of their license.

Undermining this enforcement framework also sets an example that could subvert the state's carefully constructed scope of practice laws – which the Texas Legislature designed to ensure that only individuals with appropriate training, education, and experience provide care to Texas patients.

**PATIENT SAFETY *MUST***  
**BE PARAMOUNT.**  
**VOTE NO ON SB 268.**

**SB 268 as written proposes to strip TMB's ability to issue cease-and-desist orders when nonphysician health care practitioners are engaging in, or threatening to engage in, the unauthorized practice of medicine.**

#### **SOURCES**

<sup>1</sup> See Tex. Occ. Code § 165.052

<sup>2</sup> See e.g., Tex. Occ. Code §§ 204.353, 301.471, 507.403, and 566.052



Physicians Caring for Texans

[texmed.org/Legislature](http://texmed.org/Legislature)