

# Texas Medical Board Jurisprudence Exam Review

Part III

BY THE X-RAY ACADEMY OF TEXAS



# Violations of the Statutes and Rules Related to Radiologic Technology



# Disciplinary Action by the Board

# Disciplinary Action by the Board

- ▶ Registration holders may be disciplined for failing to comply with Board statutes and rules. In fact, failure to meet any of the requirements discussed in this study guide could be the basis for a disciplinary action by the board.

# The Investigation



BOARD RECEIVES A COMPLAINT



REGISTRATION HOLDER IS NOTIFIED  
VIA MAIL TO THE ADDRESS ON FILE



NOTIFICATION IS NOT SENT VIA  
CERTIFIED MAIL



IF THE BOARD DETERMINES THAT  
NOTIFYING THE REGISTRATION  
HOLDER WILL JEOPARDIZE THE  
INVESTIGATION, NOTICE DOES NOT  
HAVE TO BE PROVIDED

1

If notified of a complaint, the registration holder is required to respond

2

The response must be received within the time prescribed by agency staff, typically 28 days.

3

The time limit is generally not extended, even if the registry holder is away from the office or on vacation.

4

Because the notification will be mailed to the address on file it is imperative that your address is up to date.

# Responding to Notification

# The Response is Mandatory

Failure to respond in a truthful manner may result in sanctions.



Any additional information obtained by the registration holder will be added to the information contained in the complaint.

1

Investigations  
related to patient  
care

2

Investigations  
related to  
unprofessional  
conduct

3

Violations of other  
statutes and rules

# Investigation Categories





MONETARY PENALTY



ADDITIONAL CONTINUING  
EDUCATION HOURS



COUNSELING



BAR FROM PRACTICING A  
CERTAIN TYPE OF  
MEDICINE OR SEEING A  
CERTAIN TYPE OF PATIENT



IN EXTREME CASES A  
SUSPENSION OR  
REVOCAION OF  
REGISTRATION

If a violation is found, the Board may impose one of the following sanctions.

# Basis For Disciplinary Action

- ▶ A registration holder who engages in any of the following conduct may be disciplined by the Board:
  - ▶ Making any misleading, deceptive or false representation in connection with service rendered;
  - ▶ Committing an act that is prohibited by state federal or local law connected to the practice of medicine;
  - ▶ Performing a radiologic procedure on a patient or client which has not been authorized by a practitioner;
  - ▶ Aiding or abetting a person in violating the Act rules or rules adopted under the Act;
  - ▶ Any practice or omission that fails to conform to accepted principles and standards of the medical radiologic profession;

# Basis For Disciplinary Action continued.....

- ▶ A registration holder who engages in any of the following conduct may be disciplined by the Board:
  - ▶ Performing or attempting to perform radiologic procedures or medical procedures which relate to or are necessary for the performance of a radiologic procedure in which the person is not trained by experience or education or in which the procedure is performed without the appropriate supervision;
  - ▶ Performing a radiologic procedure which is not within the scope of a certificate or other authorization to perform radiologic procedures;
  - ▶ Failing to adequately supervise a person in the performance of radiologic procedures;

# Basis For Disciplinary Action continued.....

- ▶ A registration holder who engages in any of the following conduct may be disciplined by the Board:
  - ▶ engaging in, providing, or making false or misleading information or representations, including but not limited to;
    - ▶ Impersonating or acting as a proxy for an examination candidate for any examination required for certification or continuing education required by the Board;
    - ▶ Concerning services rendered or status of certification or registration, including those that are conferred by certification bodies, or by another state, territory or by the District of Columbia.
    - ▶ Offering to provide education or training relating to radiologic technology;

# Basis For Disciplinary Action continued.....

- ▶ A registration holder who engages in any of the following conduct may be disciplined by the Board:
  - ▶ obtaining or attempting to obtain, assisting another to obtain certification or placement on the registry by bribery or fraud, or allowing another individual to use the registration or permit holders name, certificate or other professional credentials;
  - ▶ Failing to cooperate with the Board or interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts to the board or its authorized representative or using threats or harassment against any person;
  - ▶ Defaulting on child support payments, Texas Guaranteed Student Loan Corporation student loan or a non TGSLC guaranteed student loan;
  - ▶ Knowingly concealing information relating to enforcement of the ACT; or
  - ▶ engaging in sexual contact or inappropriate behavior or comments directed toward or with a patient or behaving in an abusive or assaultive or assaultive manor.

# Patient Care



The Board may discipline a registration holder for **“any practice or omission that fails to conform to accepted principles and standards of the medical radiologic technology profession.”**



The standard is set by the medical community, not the Medical Board.

# Complimentary Care

MEDICAL  
PROFESSIONALS MAY  
TREAT PATIENTS WITH  
COMPLIMENTARY  
CARE AND  
ALTERNATIVE  
MEDICINE IN TEXAS.

# Unprofessional Conduct

- ▶ The Board has the authority to discipline registration holders that engage in unprofessional conduct. Unprofessional Conduct may involve many types of activities which range from generally unprofessional or ill-advised activities, to criminal misconduct that could result in incarceration.



# Unprofessional Conduct



Submitting to the Board a false or misleading statement, document, or certificate in an application for a registration;



Presenting to the board a license, certificate or diploma that was illegally or fraudulently obtained

# Unprofessional Conduct



False information on an initial application for registration

The application may be denied or, Applicant may be required to enter into a disciplinary order



If an applicant or registration holder enters a public disciplinary order, they will have to notify their employer.

# Unprofessional Conduct

 Engaging in sexual activities with a patient

 Providing false information to the Board

 Behaving in an assaultive or abusive manner

 Behaving in a disruptive manner

 Failing to report an arrest on a renewal

 Failing to report within 30 days a conviction deferred adjudication of a felony level criminal action

 Failing to report within 30 days a conviction deferred adjudication of a crime of moral turpitude

# Disciplinary Action for Violation of Other Laws

- ▶ Failure to pay child support or student loans is a suspend able offence
- ▶ Hospital badge must have
  - ▶ Name
  - ▶ Type of license held
  - ▶ Department where you work
  - ▶ If you are a student or intern
- ▶ Gunshot wounds must be reported to law enforcement
- ▶ Childhood lead poisoning must be reported to the Texas Department of State Health Services
- ▶ Overdose of controlled substances must be reported to the Texas Department of State Health Services
- ▶ First encounter to treat an STD must be reported to the Texas Department of State Health Services

# Disciplinary Action for Violation of Other Laws

- ▶ Registration holders must report to the Board any practitioner that poses a continuing threat to public welfare.



# Minors the Elderly and Pregnant Patients

- ▶ Pregnant Minors
  - ▶ Generally a minor's parent or guardian must consent to all medical treatment for the minor except;
    - ▶ A minor may consent to psychological exam and treatment for drug or chemical addiction, dependency or any other condition related to drug or chemical use.
    - ▶ A minor who is unmarried and pregnant may consent to hospital medical or surgical treatment other than abortion related to the pregnancy.
    - ▶ Once the pregnancy is concluded and if the mother is under the age of 16, she can consent to her own medical treatment so long as she has custody of the child and is unmarried.



# Minors the Elderly and Pregnant Patients

- ▶ Pregnant Minors
  - ▶ In the case of an unemancipated minor patient on whom a physician plans to perform an abortion. The physician or his delegate must obtain the written consent of one of the patients' parents and record that consent in the medical records. In addition, a physician or their delegate may not perform an abortion on a pregnant unemancipated minor unless the physician gives at least 48 hours actual notice, in person or by telephone, of the physician's intent to perform the abortion to a parent of the minor.



# Abuse

- ▶ Medical practitioners have a mandatory duty to report suspected cases of abuse concerning children and elderly. If a physician or their delegate discovers that an adult was the victim of abuse when they were a child, the practitioner must report the abuse if there is currently a potential danger to children or the elderly. Registration holders must report this suspected abuse to the applicable local or state law enforcement agencies.



# Birth Certificate

- ▶ The items on a birth certificate relating to the child's father shall be completed only if the mother was married to the father or if paternity is established by order of a court of competent jurisdiction, or a valid acknowledgment of paternity executed by the father has been filed with the bureau of vital statistics. A birth certificate must be filed with the Texas Department of State Health Services within 5 days of a child's birth. The filing of a false report or providing fraudulent information is unprofessional conduct and a violation of state law connected to the practice of medicine.

# Suspected Child Abuse

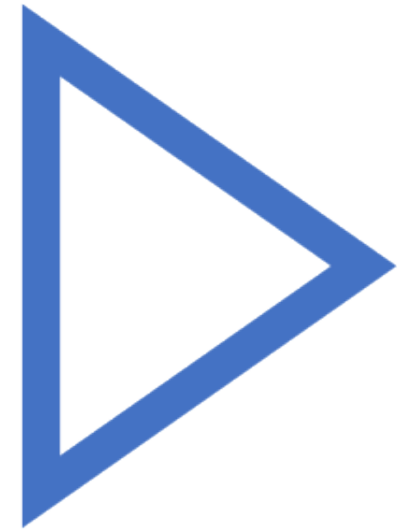
- ▶ With regard to suspected child abuse, a physician may examine a child without consent of the minor or their parent or guardian up to the age of 16.
- ▶ Any suspicion of child abuse must be reported.



Any suspicion  
of elder abuse  
**MUST** be  
reported!

# Impairment

- ▶ You are required to submit information relating to impairment that may impact behavior, judgement or ability to perform your job.



# You must disclose



Drug or alcohol addiction/abuse/treatment within the last 5 years



Certain mental health diagnosis



Enrolment in PHP



Any physical or mental impairment that impacts behavior, judgement or ability to perform your job.

# Mental health diagnoses within the last 5 years:

Psychotic behavior

Delusional disorder

Mood disorder

Major depression

Personality disorder

Any other mental condition that impacts behavior, judgement or ability to perform your job.

# Impairment

Applicants must disclose any hospitalizations for a mental health condition or addiction issue within the last 5 years.



When renewing a registration every two years, registrants must disclose any mental physical condition that occurred since the last registration that could impair their ability to practice.

# Impairment

- ▶ Disclosure of impairment does not mean that an applicant will not get a registration. However, depending on an individual's situation and potential severity of the impairment, the disclosure may result in a referral to the Texas Physician Health Program (TXPHP). An applicant's licensure information, including any information relating to impairment, is confidential and will not be shared with the public. Referrals to the TXPHP as part of the application process are also generally confidential. However, failure to disclose information about an impairment may result in disciplinary action against the licensee who has not disclosed this information, which could be public.





# Impairment

- ▶ The TXPHP was created to help physicians and other licensees who suffer from addiction, mental illness, and other impairments affecting their ability to practice. It is separate and confidential from the Board.
- ▶ If an individual has been referred to the TXPHP by the Board does not enter into an agreement for services or is found to have committed to a substantive violation of an agreement, TXPHP shall report that individual for possible disciplinary action.



# Protection from Liability for Medical Care

- ▶ “Good Samaritan Law”
  - ▶ The Texas Civil Practice and Remedies Code limits the liability of “a person who in good faith administers emergency care” unless the act performed is “willfully or wantonly negligent.” The limitation in liability in liability does not apply to an individual who provides the care “for or in expectation of remuneration,” was at the scene of the emergency to solicit “business or.. A service for remuneration”, or who’s negligent act or omission was a producing cause of he emergency for which care is being administered.

# Protection from Liability for Medical Care

- ▶ A volunteer health care provider who is serving as a direct service volunteer of a charitable organization will be protected from civil liability if:
  1. The volunteer commits the act or omission in the course of providing health care services to a patient at the charitable organization.
  2. The services provided are also within the scope of the registration of the volunteer.

The patient must sign a written statement that that acknowledges the volunteer is providing care that is not administered for or in expectation of compensation and sets forth the the limitations on recovery of damages from the volunteer in exchange for receiving the health care services.

## DNR's and Advanced Directives

The Texas Health and Safety Code requires that healthcare professionals honor a valid Out-of-Hospital Do-Not-Resuscitate (DNR) Order.

A DNR may not an authorization to withhold medical interventions or therapies considered necessary to provide comfort care, to alleviate pain, or to provide water or nutrition.

# DNR's and Advanced Directives

To determine if a DNR is valid, the healthcare professionals must first establish and identify the person who executed or issued the order or the person for whom the order was ordered or issued.

Health professionals must then verify that:

- There are written responses in the places designated on the form for the names, signatures, and other information required...
- The form is dated in the correct space and,
- The form is signed correctly

A patient does not need the assent of the physician to change their DNR order.

# DNR's and Advanced Directives

- ▶ An advance directive upon execution is valid at all times, including when a patient is incapacitated or unable to consent to treatment. Unless revoked, the healthcare provider must abide by the terms of the advance directive. These directives can be revoked in a number of ways including in writing; verbally; having the person who is the subject of the directive destroy the directive.



# Controlled Substances and Pain Management

- ▶ Two types of prescription drugs:
  1. Dangerous Drugs
  2. Controlled Substances



# Controlled Substances and Pain Management

- ▶ Controlled Substances
  - ▶ The Texas Controlled Substances Act defines “controlled substances” and lists certain drugs that are in categories known as schedules
    - ▶ Schedule I
    - ▶ Schedule II
    - ▶ Schedule III
    - ▶ Schedule IV
    - ▶ Schedule v
  - ▶ Drugs that contain the potential for abuse or addiction and must be prescribed with care
  - ▶ Narcotics that contain opium or opiates, generally used for pain control, are one of the most commonly recognized controlled substances.





# Controlled Substances and Pain Management

- ▶ Dangerous drugs or devices
  - ▶ Not listed in the Texas Controlled Substances Act but are unsafe for self medication.
  - ▶ They require a prescription from a physician
  - ▶ Antibiotics are a commonly recognized class of dangerous drugs



# Controlled Substances and Pain Management

- ▶ Additional requirements for practitioners who prescribe controlled substances
  - ▶ Must have authorization from the DEA
  - ▶ Only physicians can prescribe schedule II-controlled substances
  - ▶ Must use special prescription forms for schedule II-controlled substances
  - ▶ Most opiates are schedule II-controlled substances
  - ▶ May not use pre signed prescription forms

# Chronic Pain Management

**Chronic Pain-** a state in which pain persists beyond the usual course of an acute disease or healing of an injury. Chronic pain may be associated with a chronic pathological process that causes continuous or intermittent pain over months or years.

Practitioners must follow board rules when treating chronic pain.

# Treating Family members with Controlled Substances

- ▶ A practitioner May treat themselves spouse family member or close personal acquaintance, however;
  - ▶ They are limited in the amount of time they can prescribe controlled substances.
  - ▶ They must perform a physical exam and must maintain a medical record.
  - ▶ Meet the standard of care in their treatment as with any other patient.

