

# Texas Administrative Code

<a href="#">TITLE 25</a>	HEALTH SERVICES
<a href="#">PART 1</a>	DEPARTMENT OF STATE HEALTH SERVICES
<a href="#">CHAPTER 1</a>	MISCELLANEOUS PROVISIONS
<a href="#">SUBCHAPTER L</a>	MEDICAL ADVISORY BOARD
RULE §1.152	Operation of the Medical Advisory Board

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(a) Purpose. The purpose of this section is to establish the requirements governing the operation and administration of the Medical Advisory Board (MAB).

(b) Appointment and terms of office.

(1) The present MAB is divided into four groups:

(A) Group One's term will expire January 1 of even numbered years;

(B) Group Two's term will expire July 1 of even numbered years;

(C) Group Three's term will expire January 1 of odd numbered years;

and

(D) Group Four's term will expire July 1 of odd numbered years.

(2) The commissioner shall appoint MAB members from:

(A) persons licensed to practice medicine in Texas, including physicians who are board certified in medicine, psychiatry, neurology, physical medicine, or ophthalmology, and who are jointly recommended by the Texas Department of Health (department) and the Texas Medical Association; and

(B) persons licensed to practice optometry in this state who are jointly recommended by the department and the Texas Optometric Association.

(3) The Health Care Quality and Standards medical consultant to the MAB shall serve as MAB chair.

(c) Meetings.

(1) Upon request by the Department of Public Safety (DPS), the Bureau of Emergency Management (bureau) shall convene a MAB panel.

(A) To take action as a panel, at least three members of the MAB must be present.

(B) Each panel member shall prepare an individual independent written report that states the member's opinion as to the ability of an applicant or licensee to operate a motor vehicle safely or to exercise sound judgment with respect to the proper use and storage of a handgun.

(2) Failure to attend scheduled meetings may result in a recommendation for the member's dismissal from the MAB by the MAB chair.

(3) The MAB shall meet in closed session to discuss records, reports, or testimony relating to the medical condition of an applicant or licensee. All such records, reports, and testimony are for the confidential use of the MAB

and DPS and may not be disclosed to others except as authorized by the Transportation Code, Chapter 521, Subchapter N.

(d) Official records.

(1) The bureau may collect and maintain the individual medical records from a physician, hospital, or other health care provider necessary for use by the MAB. All records provided shall be kept confidential. Health care providers may request and shall be mailed a copy of any medical information they provided.

(2) The applicant shall provide current medical information to the MAB which is pertinent to the medical condition(s) for which DPS requested the review. Information shall be provided within 20 days by a licensed physician or a licensed medical facility. In lieu of a physician, any department-approved health care provider who treated the applicant may provide information regarding the candidate's fitness to operate a motor vehicle safely; or to the ability to exercise sound judgment with respect to the proper use and storage of a handgun.

(3) In its deliberations, the MAB panel may examine any medical records or reports containing material which may be relevant to the ability of the licensee or applicant to operate a motor vehicle safely or the ability to exercise sound judgment with respect to the proper use and storage of a hand gun. Additional information supplied to the bureau or DPS may be utilized. Any decision will be held in abeyance until the applicant provides all additional information deemed necessary by the MAB.

(4) An affidavit of MAB proceedings shall be prepared for DPS upon request.

(5) The members on the MAB shall issue recommendations or opinions to DPS. The final decision to issue, renew, restrict, or revoke a license shall rest entirely with DPS.

(6) MAB members other than the MAB chair shall be paid a meeting attendance fee in the amount of \$100 per meeting.

(e) Impartiality. Any MAB member who is unable to be impartial as to any applicant before the MAB shall so declare this partiality to the members present and shall not participate in any MAB proceedings involving that applicant.

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**Source Note:** The provisions of this §1.152 adopted to be effective June 13, 1999, 24 TexReg 4228