



Physicians Caring for Texans

House Public Health Committee
Testimony by Tilden Childs III, MD, Texas Medical Association
House Bill 1767 by Rep. Stephanie Klick (R-Fort Worth)
May 1, 2023

Good (morning/afternoon/evening), my name is Dr. Tilden Childs, and I am a radiologist from Fort Worth. On behalf of myself and the Texas Medical Association and its more than 57,000 members, we thank Chairwoman Klick, Vice Chair Campos, and the members of the House Public Health Committee for the opportunity to respectfully testify in opposition to House Bill 1767.

TMA opposes this legislation because it would dictate the privileging process for each hospital in Texas. The current system works to protect Texas patients. It is effective because it provides the hospital medical staff the freedom to establish its requirements for clinical privileges based on its local community, patient population, patient safety, need, practicality of providing privileges for certain procedures, and the capability and availability of resources at each particular hospital. Hospitals also can set requirements on the applicant's qualifications, licensure, education, training, and experience.

The podiatrists have brought this bill to you because they claim "certain Texas hospitals are not allowing, not offering, or are revoking privileges for certain surgical treatments"¹ and they assert they are being denied privileges solely because they are podiatrists.

We respectfully disagree. Being subject to a hospital's privileging process is not an experience that is unique to podiatrists. A physician also can be denied hospital privileges to perform surgery if the medical staff determines a physician is proposing a procedure he or she lacks the training, experience, or capability to perform.

Simply put, whether regarding podiatrists or physicians, each individual hospital must be allowed to make independent decisions for the appropriate care of its patients. HB 1767 would do otherwise and tie the hands of the medical staff whose ultimate job is to ensure the highest quality of care and patient safety.

¹ SRC-AND C.S.S.B. 730 88(R)

Additionally, we are concerned this bill is an attempt to circumvent Texas law on scope of practice for a podiatrist. Texas law is clear in that it limits a podiatrist's scope of practice to the foot, which does not include the ankle. A hospital should have the freedom to deny a category of privileges to a podiatrist where such privileges might result in a violation of Texas' scope of practice laws.

Thank you for the opportunity to testify, and I am happy to answer any questions.