



Texas Medical Board

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September 2, 2021

The Honorable Bob Hall
P.O. Box 12068
Capitol Station
Austin, TX 78711

Dear Senator Hall:

The Texas Medical Board (TMB) is in receipt of your correspondence regarding a recent statement made by the Federation of State Medical Boards (FSMB) related to the spread of COVID-19 vaccine misinformation and the risks that may pose to a physician's medical license. It is important to note that the FSMB's statement was a general statement and not specific to Texas. The FSMB provides information and resources to many states and territories with an understanding that each jurisdiction may be unique in addressing any situation.

As you know, the TMB's mission "is to protect and enhance the public's health, safety and welfare by establishing and maintaining standards of excellence used in regulating the practice of medicine and ensuring quality health care for the citizens of Texas through licensure, discipline and education." Part of protecting the public's health, safety and welfare is TMB's recognition that physicians must have the ability to freely discuss treatment options with their patients so that together they can make decisions that are in the best interest of the patient. Physicians are expected to follow the standard of care in providing, recommending, or not recommending any preventions or treatments. As always, the TMB would just remind physicians to be sure to provide the appropriate disclosures to their patients and adequately document these in the patient's medical record.

As you know, the TMB is a complaint-driven agency. If the Board were to receive a complaint on this matter, then we would have a statutory obligation to review the complaint via our standard process. A review does not necessarily lead to an investigation. The initial review of the complaint may lead to a dismissal of the complaint. Generally, approximately 35% of all complaints are dismissed before the licensee is even notified and a further 40% are dismissed before becoming an investigation. If the need to dismiss the complaint is not clear upon the initial review, then the licensee will be asked to respond with additional information. An investigation would only begin if the licensee fails to respond, or the response is inadequate to allow dismissal.

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Finally, regarding the Interstate Medical Licensure Compact, there are no provisions in HB 1616 that would punish a physician for expressing their concerns about the COVID-19 vaccine. The bill does include discretion and independent consideration by each member state.

In closing, I would like to thank you for the opportunity to address your concerns. It is my sincere hope that this response will help assure you that the TMB is not interested in stifling physician-patient communication that meets the standard of care. The Board's focus will remain on ensuring the health and safety of Texans. Proper disclosure of information between physicians and patients is necessary to achieve this goal.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Zaafran', written in a cursive style.

SHERIF ZAAFRAN, MD, FASA
President
Texas Medical Board