



INTRODUCTION

All physicians licensed to practice medicine in Texas must pass an examination on Texas Medical Jurisprudence. This examination covers primarily statutory and administrative law rather than case law.

The summaries in this Study Guide attempt to assist physicians in gaining access to portions of the law that the editors believe are most important to the practice of medicine. The language of the statutes and regulations has been condensed. In addition, some of the “legalese” has been replaced by common language in an attempt to make the law more accessible.

Although the materials included are condensed or modified, important details have been retained. Words that are often overlooked in ordinary writing may be central to the meaning of the law. For example, there is an enormous difference between *may* and *shall* in the law. *Shall* creates a legal obligation; whereas, *may* allows a choice or leaves room for an alternative. In some sections, definitions from the law have been included because the meaning of a word may vary from one part of the law to another.

The study questions developed by the editors are a supplement to (but not a substitute for) the summaries of the law given in the first part. They do not necessarily reflect the structure or content of actual test questions. The Texas Medical Board does not release old test questions to serve as examples. The questions in this book are intended to assist in identifying areas where further study is needed.

Some who use this Study Guide may find it most helpful to read one section of the summary before turning to the corresponding study questions. Others may prefer to read all of the summaries before turning to the study questions. Still others may want to try the study questions, or some of them, to test their intuitions or their ability to guess the answers. We have tried to provide a useful guide, recognizing that it may have a secondary use as a cure for insomnia. We offer it to you for its pragmatic value, a sort of “rules of the road” for the Texas Medical Jurisprudence Examination.

Several of the statutes summarized in this outline provide for criminal penalties. Health professionals, including physicians, may be subject to these penalties. For clarification of the penalties involved, the Criminal Law section has been included.

Although this book is primarily a study guide, it also serves as a preliminary reference book for statutory and administrative law. Each section of the book contains specific reference to legislation or the Texas Administrative Code developed by the Texas Medical Board to serve as a starting point in the event that you need to study the letter of the law and not merely a summary of it. As with any statutory law or regulation, the text of the law is subject to interpretation and application by the appropriate agency or Texas courts. Therefore, this book offers only part of what a physician may need to know, but it is a place to start. Consultation with legal authorities or counsel may be necessary or helpful in specific situations. Knowledge of the law may do more than prevent legal problems from arising; it may improve patient care and result in health benefits for patients.

These materials have been prepared for education and information purposes only. They do not constitute legal opinions or advice on any specific matter. Transmission of these materials does not create a lawyer-client relationship. If a legal problem arises, the reader is advised to obtain legal counsel for application of these laws to particular factual circumstances.

Additional information may be found at the following web sites:

<http://www.statutes.legis.state.tx.us/>

http://www.tmb.state.tx.us/rules/rules/bdrules_toc.php