



Texas Osteopathic Medical Association

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AG Ken Paxton: Health and safety code affirms osteopathic doctors can complete mental health exams

Texas Osteopathic Medical Association welcomes Attorney General Ken Paxton’s opinion affirming that osteopathic doctors are fully accredited physicians who can complete court-mandated mental health exams.

Sen’s. Charles Schwertner, (R-Georgetown) and Joan Huffman (R-Houston) [requested the opinion](#) after Harris County Probate Judge Rory Olsen inexplicably rejected an application signed by a DO because of what he considered ambiguous language in state law. Olsen, somehow, construed that language to bar trained, qualified and fully licensed DO’s from certifying an individual was mentally ill, dangerous to himself or others and in need of commitment to a health care facility.

“We appreciate General Paxton’s affirmation, and the support of Sen’s Schwertner and Huffman, as well as all the other legislators who offered assistance clarifying this issue for the court,” said TOMA President David. E Garza, D.O., of Laredo. “As we expected, the Texas Health and Safety Code clearly states that a doctor of osteopathic medicine issued an unrestricted license by the Texas Medical Board is fully qualified to practice medicine in the state. In fact, Texas led the nation as one of the first group of states to grant such rights more than 100 years ago.”

Texas has two schools of osteopathic medicine. UNTHSC’s Texas College of Osteopathic Medicine in Fort Worth accepted its first class in 1970, while a new school started by the University of Incarnate Word in San Antonio welcome its first class in the summer of 2017.

In addition to an educational philosophy that emphasizes the importance of treating the whole person, osteopathic medical students receive an additional 200 hours of training in osteopathic manipulative medicine. These are hands-on techniques that give DO’s additional tools to assess, diagnose and treat illness.

Paxton’s [opinion](#), issued on Dec. 20, affirms that doctors of osteopathic medicine (DO’s) are equivalent to medical doctors (MD’s), and this qualification includes examination of mental health status. The opinion goes on to say that the occupation code prohibits the state from discriminating based upon what are equivalent degrees. “We find no authority to reject a certificate of medical examination for mental illness solely on the degree designation distinction,” according to the opinion.

For an interview or additional information on this decision, contact TOMA Executive Director David Reynolds.

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The non-profit Texas Osteopathic Medical Association represents over 5,700 Texas osteopathic physicians. Organized in 1900, TOMA serves as the main advocate for the needs of Texas osteopathic physicians. The association strives to improve public health, maintain high standards of osteopathic care and ensure that the public has an alternative when selecting physicians.