



September 16, 2016

The Honorable Rory R. Olsen
Judge, Harris County Probate Court No. 3
201 Caroline, Seventh Floor
Houston, TX 77002

Dear Judge Olsen:

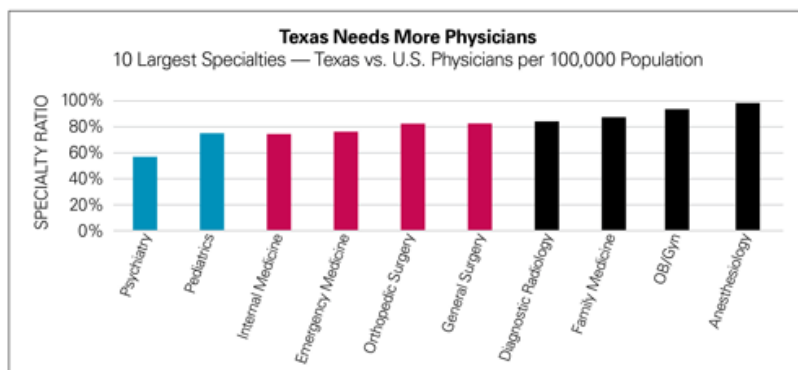
We are writing on behalf of the more than 50,000 physician and medical student members of the undersigned medical associations and the millions of Texans we serve.

It has come to our attention that you recently have ruled that doctors of osteopathic medicine (DOs) do not have the legal authority to issue Certificates of Medical Examination. We are writing to express our strong disagreement with your ruling and to share our insights into its potential impact.

First, according to the statutes passed by the Texas Legislature and the rules adopted by the Texas Medical Board, there is no distinction between the legal rights, privileges, and responsibilities of a Texas licensed physician educated in the allopathic (MD) or osteopathic (DO) curriculum. Both MDs and DOs can qualify as licensed Texas "physicians" and are thus legally equivalent. See e.g.:

- Sec. 155.003, Texas Occupations Code (including references to both allopathic and osteopathic education in the requirements for eligibility to practice medicine as a physician in Texas); and
• Secs. 571.003(18) and 573.021, Texas Health and Safety Code (making no distinction between allopathic doctors and doctors of osteopathic medicine with respect to a physician's authority to function in emergency detention processes).

Secondly, as we are sure you aware from your long service handling the mental health docket, Texas suffers from an extreme shortage of psychiatrists and other mental health professionals. A recent TMA analysis of the 10 largest medical specialties per-capita in Texas versus the nation as a whole found the largest discrepancy for psychiatrists.



Source: TMA calculations using AMA Physician Characteristics and Distribution in the United States, 2014 Edition

Eliminating DOs' authority to issue Certificates of Medical Examination in one of the two probate courts with a mental health docket in the most-populous county in Texas could have disastrous consequences for the health and safety of persons who physicians have determined need protective psychiatric care.

TMA respectfully requests that you reconsider your interpretation of Texas law on the authority of Texas-licensed DOs to issue Certificates of Medical Examination. Please let us know if it will help in your review of this matter to have our TMA legal counsel brief this issue further for you.

We emphatically urge you to reverse this decision.

Sincerely,



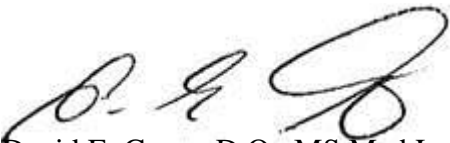
Don R. Read, MD  
President, Texas Medical Association



Kimberly E. Monday, MD  
President, Harris County Medical Society



Debra Atkisson, MD  
President, Federation of Texas Psychiatry



David E. Garza, D.O., MS.Med.L, FACOFP, FAAFP  
President, Texas Osteopathic Medical Association