

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 01 - 9177

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**ORDER OF THE COURT APPROVING AMENDMENTS TO THE  
STANDARDS FOR ATTORNEY CERTIFICATION OF THE  
TEXAS BOARD OF LEGAL SPECIALIZATION**

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The Texas Board of Legal Specialization recommends adopting rules for Attorney Certification of Specialization in Health Law, with the rules to be effective January 1, 2002. The Board has published its proposed rules on its Website, distributed copies to the members of the Health Law Section of the State Bar of Texas, and held a hearing to receive comment.

IT IS ORDERED that, effective January 1, 2002, the Standards for Attorney Certification be amended to read:

**PART II - SPECIFIC AREA REQUIREMENTS FOR HEALTH LAW  
SECTION I - SUBSTANTIAL INVOLVEMENT AND SPECIAL COMPETENCE**

- A. **Definition.** Health Law is the federal, state, and local law, rules, regulations and other jurisprudence affecting the health care industry and their application to health care patients, providers and payors, and vendors to the health care industry, including without limitation the (1) relationships among providers, payors and vendors to the health care industry and its patients; and (2) delivery of health care services; all with an emphasis on operations, regulatory and transactional legal issues. For the specific area requirements please refer to the sections below.
- B. **Substantial Involvement for Certification**  
Certification applicants must show substantial involvement and special competence in Texas health law during each of the 3 years immediately preceding application by providing such information as may be required by the TBLS.
1. Certification applicants must show that during each of the 3 years immediately preceding application they have devoted a minimum of 35%-of their time practicing health law as defined in Section I, A of the Specific

Area Requirements for Health Law.

2. Certification applicants must show their substantial involvement and special competence in health law practice in Texas within the 3 years immediately preceding application by providing such information as may be required by the TBLS regarding health law cases participated in by them in several of the following categories:
  - a. Health care antitrust;
  - b. Fraud and abuse / referral prohibitions;
  - c. Health care contract issues;
  - d. Managed care and managed care organizations;
  - e. Risk management / quality assurance / utilization review;
  - f. Licensure and certification;
  - g. Patient rights;
  - h. Medical staff / professional rights;
  - i. Physicians practice issues;
  - j. Reimbursement and coverage (state and federal);
  - k. Finance including tax / tax exemptions;
  - l. Administrative proceedings;
  - m. Hospital / institutional operations;
  - n. Mental health;
  - o. Drugs and devices;
  - p. Business organizations, mergers and acquisitions;
  - q. Labor and employment law;
  - r. Privacy and confidentiality;
  - s. Governmental entities / political subdivisions;
  - t. Long-term care.
  
3. In several of the categories listed in I, B, a-t above, certification applicants shall have as lead counsel or in a primary capacity:
  - a. Counseled clients; or
  - b. Represented clients in preparation and litigation of claims; or
  - c. Represented clients in mediation; or
  - d. Advised or counseled clients with respect to the establishment or modification of procedures, practices, forms or programs to comply with laws in those areas as they relate to health law.

**C. Substantial Involvement for Recertification**

Recertification applicants must show substantial involvement and special competence in Texas juvenile law practice during each of the 5 years of certification by providing such information as may be required by the TBLS.

1. Recertification applicants must show that during each year of the 5 year period they devoted a minimum of 35% of their time practicing health law in Texas as defined in Section I, A of the Specific Area Requirements in health law in one or a combination of the following methods:
  - (a) Recertification applicants must practice health law in Texas;
  - OR
  - (b) Recertification applicants must have served as a judge of a court of record in Texas actually adjudicating health law matters.
2. Recertification applicants may be required to list the cases in Texas participated in during all or part of the 5-year period.

**SECTION II - REFERENCES**

Applicants should refer to Section IV of the General Requirements before choosing references, and list the following references to attest to their competence in the practice of health law.

- A. Five Texas attorneys who practice in the applicant's geographic area and are familiar with applicant's health law practice.

IT IS FURTHER ORDERED that the Texas Plan for Recognition and Regulation of the Law, effective January 1, 2002, be amended to read:

**SECTION XII - RETAINED JURISDICTION OF SUPREME COURT**

The jurisdiction of the TBLS shall be limited to sixteen areas of law: Criminal Law; Labor Law; Family Law; Estate Planning and Probate Law; Civil Trial Law; Personal Injury Trial Law; Immigration and Nationality Law; Real Estate Law; Tax Law; Bankruptcy Law; Oil, Gas and Mineral Law; Civil Appellate Law; Administrative Law; Consumer Law, Juvenile Law, and Health Law and to the development and operation of the program in the recognition and regulation of specialization in the law, provided, however, that the number and type of areas included in the program and the jurisdiction

of the TBLS may be enlarged, altered, or terminated from time to time by the Supreme Court of Texas.

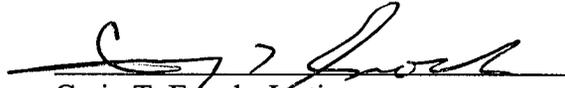
SIGNED this 15<sup>th</sup> day of October 2001.



Thomas R. Phillips, Chief Justice



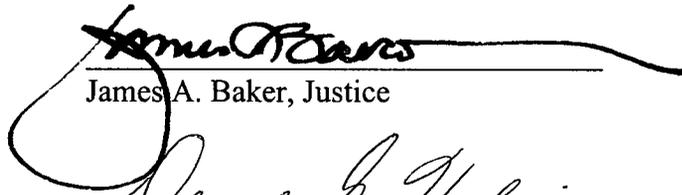
Nathan L. Hecht, Justice



Craig T. Enoch, Justice



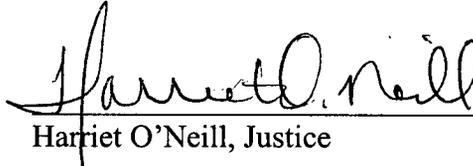
Priscilla R. Owen, Justice



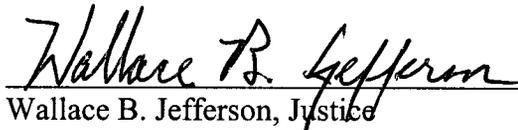
James A. Baker, Justice



Deborah G. Hankinson, Justice



Harriet O'Neill, Justice



Wallace B. Jefferson, Justice



Xavier Rodriguez, Justice