



COMMISSIONER  
Chris Traylor

May 17, 2011

To: Community Based Alternatives Providers  
Consolidated Waiver Program Providers  
Consumer Directed Services Agencies  
Day Activity and Health Services Providers  
Medically Dependent Children Program Providers  
Primary Home Care Program Providers

Subject: Information Letter No. 11-56  
Licensed Physicians Practicing at Military or Veterans Administration Facilities

Effective with this memorandum, licensed physicians currently practicing in Veterans Administration (VA) hospitals and military facilities can sign orders for community services even when they do not have a Texas license. This includes signatures on the following forms:

- Primary Home Care - Form 3052 Practitioner's Statement;
- Day Activity and Health Services - Form 3055, Physician's Order;
- Community Based Alternatives - Medical Necessity and Level of Care (MN/LOC) Assessment;
- Consolidated Waiver Program - Medical Necessity and Level of Care (MN/LOC) Assessment;
- Medically Dependent Children Program - Medical Necessity and Level of Care (MN/LOC) Assessment;
- Medically Dependent Children Program - [Form 2428](#), Physician's Orders for Licensed Nursing Services; and
- any other documentation requiring a physician or practitioner's signature.

Licensed physicians practicing in military facilities, including VA hospitals, practice in accordance with federal law, which supersedes state law. The U.S. Code, Section 10 USCA § 1094(d) (1) provides: "that notwithstanding any law about licensure of health care providers, a health care professional who is a member of the armed forces who has a license may practice in any state regardless of whether the practice occurs in a health care facility of the Department of Defense, a civilian facility affiliated with the Department of Defense or any other location authorized by the Secretary of Defense."

Therefore, a licensed physician from any state (including a U.S. territory or District of Columbia) may practice at a military/VA facility. If the licensed physician at a military/VA facility sees the applicant or consumer at the facility and signs the form, the signature is acceptable.

For questions regarding the content of this letter, please call the Policy Development and Oversight line at (512) 438-3015.

Sincerely,

*[signature on file]*

Teresa Richard  
Director  
Center for Policy and Innovation

TR:cp