

By: Sanford

H.B. No. 4439

A BILL TO BE ENTITLED

AN ACT

relating to complaint information and disciplinary procedures of the Texas Medical Board.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 154.055, Occupations Code, is amended to read as follows:

Sec. 154.055. RELEASE OF COMPLAINT INFORMATION TO LEGISLATOR [~~LEGISLATIVE COMMITTEE~~]. (a) On request from a member of the legislature [~~legislative committee created under Subchapter B, Chapter 301, Government Code~~], the board shall release to the member all information regarding a complaint against a physician [~~to aid in a legitimate legislative inquiry. The board may release the information only to the members of the committee~~].

(b) In complying with a request under Subsection (a), the board may not identify the complainant or the patient [~~and may reveal the identity of the affected physician only to the members of the committee~~].

SECTION 2. Section 164.001, Occupations Code, is amended by adding Subsection (k) to read as follows:

(k) The board may not adopt or implement a quota for a number of physicians to be disciplined within a specified period.

SECTION 3. Section 164.003, Occupations Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding any other law, a member of the

1 legislature is entitled to attend any informal meeting held under
2 this section.

3 SECTION 4. Sections 164.007(a) and (a-1), Occupations Code,
4 are amended to read as follows:

5 (a) The board by rule shall adopt procedures governing
6 formal disposition of a contested case under Chapter 2001,
7 Government Code. A formal hearing shall be conducted by an
8 administrative law judge employed by the State Office of
9 Administrative Hearings. After receiving the administrative law
10 judge's findings of fact and conclusions of law, the board shall:

11 (1) dispose of the contested case by issuing a final
12 order based on the administrative law judge's findings of fact and
13 conclusions of law, which must include dismissal of the contested
14 case if the findings of fact and conclusions of law establish that
15 the physician did not violate a provision of this code or board
16 rule; or

17 (2) appeal the administrative law judge's findings of
18 fact and conclusions of law in the manner provided by Section
19 164.0072.

20 (a-1) Notwithstanding Section 2001.058(e), Government
21 Code, the board may not change a finding of fact or conclusion of
22 law or vacate or modify an order of the administrative law judge.
23 For each case, the board has the sole authority and discretion to
24 determine the appropriate action or sanction for a violation of a
25 provision of this code or board rule. The administrative law judge
26 may not make any recommendation regarding the appropriate action or
27 sanction.

1 SECTION 5. Sections 164.007(a) and (a-1), Occupations Code,
2 as amended by this Act, apply only to a contested case for which an
3 administrative law judge issues written findings of fact and
4 conclusions of law on or after the effective date of this Act. A
5 contested case for which an administrative law judge issues written
6 findings of fact and conclusions of law before the effective date of
7 this Act is governed by the law in effect on the date the findings of
8 fact and conclusions of law were issued, and the former law is
9 continued in effect for that purpose.

10 SECTION 6. This Act takes effect September 1, 2021.