

By: Johnson of Dallas, Leach, et al.

H.B. No. 148

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Medical Disclosure Panel.

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

SECTION 1. Section 74.102, Civil Practice and Remedies Code, is amended by amending Subsections (b), (c), (d), and (h) and adding Subsection (i) to read as follows:

(b) The disclosure panel established herein is administratively attached to the ~~[Texas Department of Health and Human Services Commission]~~ Health and Human Services Commission. The commission ~~[Texas Department of Health]~~, at the request of the disclosure panel, shall provide administrative assistance to the panel; and the commission ~~[Texas Department of Health]~~ and the disclosure panel shall coordinate administrative responsibilities in order to avoid unnecessary duplication of facilities and services. The commission ~~[Texas Department of Health]~~, at the request of the panel, shall submit the panel's budget request to the legislature. The panel shall be subject, except where inconsistent, to the rules and procedures of the commission ~~[Texas Department of Health]~~; however, the duties and responsibilities of the panel as set forth in this chapter shall be exercised solely by the disclosure panel, and the executive commissioner of the commission ~~[board]~~ or the commission ~~[Texas Department of Health]~~ shall have no authority or responsibility with respect to same.

(c) The disclosure panel is composed of 11 ~~[nine]~~ members,

1 with two members representing the public, at least one of whom has a  
2 background in health literacy, three members licensed to practice  
3 law in this state, at least one of whom is board certified in  
4 personal injury trial law by the Texas Board of Legal  
5 Specialization and at least one of whom is board certified in health  
6 law by the Texas Board of Legal Specialization, and six members  
7 licensed to practice medicine in this state. Members of the  
8 disclosure panel shall be selected by the executive commissioner of  
9 the Health and Human Services Commission [~~health~~].

10 (d) At the expiration of the term of each member of the  
11 disclosure panel so appointed, the executive commissioner of the  
12 Health and Human Services Commission shall select a successor, and  
13 such successor shall serve for a term of six years, or until that  
14 member's [~~his~~] successor is selected. Any member who is absent for  
15 three consecutive meetings without the consent of a majority of the  
16 disclosure panel present at each such meeting may be removed by the  
17 executive commissioner at the request of the disclosure panel  
18 submitted in writing and signed by the chairman. Upon the death,  
19 resignation, or removal of any member, the executive commissioner  
20 shall fill the vacancy by selection for the unexpired portion of the  
21 term.

22 (h) Employees of the [~~Texas Department of~~] Health and Human  
23 Services Commission shall serve as the staff for the panel.

24 (i) When appointing panel members representing the public,  
25 the executive commissioner of the Health and Human Services  
26 Commission may not appoint a registered lobbyist, a health care  
27 provider or the spouse of a health care provider, or a person who

1 works in any health care-related field, including health insurance.  
2 The executive commissioner shall give preference to persons with  
3 experience in advocating for the public interest.

4 SECTION 2. The heading to Section 74.103, Civil Practice  
5 and Remedies Code, is amended to read as follows:

6 Sec. 74.103. DUTIES OF DISCLOSURE PANEL; LIMITATIONS ON  
7 AUTHORITY.

8 SECTION 3. Section 74.103, Civil Practice and Remedies  
9 Code, is amended by adding Subsection (e) to read as follows:

10 (e) The panel is not authorized to take any action that may  
11 be interpreted as changing the scope of practice authority of any  
12 physician or health care provider.

13 SECTION 4. Not later than January 1, 2024, the executive  
14 commissioner of the Health and Human Services Commission shall  
15 appoint new members to the Texas Medical Disclosure Panel in  
16 accordance with Section 74.102, Civil Practice and Remedies Code,  
17 as amended by this Act.

18 SECTION 5. This Act takes effect September 1, 2023.