

By: Jetton

H.B. No. 4521

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain health care entities and medical committees,
3 including peer review committees.

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

5 SECTION 1. Section 161.031(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) In this subchapter, "medical committee" includes any
8 committee, including a joint committee, of:

9 (1) a hospital;

10 (1-a) a health care system;

11 (2) a medical organization;

12 (3) a university medical school or health science
13 center;

14 (4) a health maintenance organization licensed under
15 Chapter 843, Insurance Code, including an independent practice
16 association or other physician association whose committee or joint
17 committee is a condition of contract with the health maintenance
18 organization;

19 (5) an extended care facility;

20 (6) a hospital district; or

21 (7) a hospital authority.

22 SECTION 2. Section 161.0315(a), Health and Safety Code, is
23 amended to read as follows:

24 (a) The governing body of a hospital, health care system,

1 medical organization, university medical school or health science
2 center, health maintenance organization, extended care facility,
3 hospital district, or hospital authority may form a medical peer
4 review committee, as defined by Section 151.002, Occupations Code,
5 or a medical committee, as defined by Section 161.031, to evaluate
6 medical and health care services, except as provided by this
7 section.

8 SECTION 3. Section 161.032(f), Health and Safety Code, is
9 amended to read as follows:

10 (f) This section and Subchapter A, Chapter 160, Occupations
11 Code, do not apply to records made or maintained in the regular
12 course of business by a hospital, health care system, health
13 maintenance organization, medical organization, university medical
14 center or health science center, hospital district, hospital
15 authority, or extended care facility.

16 SECTION 4. Sections 151.002(a)(5) and (8), Occupations
17 Code, are amended to read as follows:

18 (5) "Health care entity" means:

19 (A) a hospital licensed under Chapter 241 or 577,
20 Health and Safety Code;

21 (B) an entity, including a health maintenance
22 organization, group medical practice, nursing home, health science
23 center, university medical school, hospital district, hospital
24 authority, health care system, or other health care facility, that:

25 (i) provides or pays for medical care or
26 health care services; and

27 (ii) follows a formal peer review process

1 to further quality medical care or health care;

2 (C) a professional society or association of
3 physicians, or a committee of such a society or association, that
4 follows a formal peer review process to further quality medical
5 care or health care;

6 (D) an organization established by a
7 professional society or association of physicians, hospitals, or
8 both, that:

9 (i) collects and verifies the authenticity
10 of documents and other information concerning the qualifications,
11 competence, or performance of licensed health care professionals;
12 and

13 (ii) acts as a health care facility's agent
14 under the Health Care Quality Improvement Act of 1986 (42 U.S.C.
15 Section 11101 et seq.); or

16 (E) a health care collaborative certified under
17 Chapter 848, Insurance Code.

18 (8) "Medical peer review committee" or "professional
19 review body" means a committee of a health care entity, the
20 governing board of a health care entity, or the medical staff of a
21 health care entity, that operates under written bylaws approved by
22 the policy-making body or the governing board of the health care
23 entity and is authorized to evaluate the quality of medical and
24 health care services or the competence of physicians, including
25 evaluation of the performance of those functions specified by
26 Section 85.204, Health and Safety Code. The term includes:

27 (A) an employee or agent of the committee,

1 including an assistant, investigator, intervenor, attorney, and
2 any other person or organization that serves the committee; and

3 (B) the governing body of a hospital, health care
4 system, public hospital owned or operated by a governmental entity,
5 [~~the governing body of a~~] hospital authority created under Chapter
6 262 or 264, Health and Safety Code, and [~~the governing body of a~~]
7 hospital district created under Article IX, Texas Constitution, but
8 only:

9 (i) in relation to the governing body's
10 evaluation of the competence of a physician or the quality of
11 medical and health care services provided by the hospital, health
12 care system, public hospital, hospital authority, or hospital
13 district; and

14 (ii) to the extent that the evaluation
15 under Subparagraph (i) involves discussions or records that
16 specifically or necessarily identify an individual patient or
17 physician.

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