

By: Garcia Hernandez, Leach

H.B. No. 923

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 Subsections (f-1) and (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 13 ~~[nine]~~ members,

1 with three members representing the public, at least one of whom has
 2 a background in health literacy, three members licensed to practice
 3 law in this state, at least one of whom has experience representing
 4 patients and at least one of whom has experience representing
 5 physicians or health care providers, and seven ~~[six]~~ members
 6 licensed to practice medicine in this state. Members of the
 7 disclosure panel shall be selected by the executive commissioner of
 8 the Health and Human Services Commission ~~[health]~~.

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

21 (f-1) The disclosure panel may not take any action requiring
 22 a vote of the panel unless a majority of the members appointed to
 23 serve on the panel as members licensed to practice medicine in this
 24 state are in attendance at the meeting when the vote is taken.

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

27 (i) When appointing panel members representing the public,

1 the executive commissioner of the Health and Human Services
2 Commission may not appoint a registered lobbyist, a health care
3 provider or the spouse of a health care provider, or a person who
4 works in any health care-related field, including health insurance.
5 The executive commissioner shall give preference to persons with
6 experience in advocating for the public interest.

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

9 Sec. 74.103. DUTIES OF DISCLOSURE PANEL; LIMITATIONS ON
10 AUTHORITY.

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

13 (e) The panel is not authorized to take any action that
14 changes the scope of practice authority of any physician or health
15 care provider.

16 SECTION 4. Not later than January 1, 2026, the executive
17 commissioner of the Health and Human Services Commission shall
18 appoint new members to the Texas Medical Disclosure Panel in
19 accordance with Section 74.102, Civil Practice and Remedies Code,
20 as amended by this Act.

21 SECTION 5. This Act takes effect September 1, 2025.