

By: Harrison

H.B. No. 5047

A BILL TO BE ENTITLED

AN ACT

relating to requirements for certain complaints made against and disciplinary proceedings involving a physician.

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

SECTION 1. Section 154.051, Occupations Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The board may not consider or act on a complaint unless the complaint is sworn and notarized.

SECTION 2. Section 154.0561, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) The board shall notify a physician who is the subject of a complaint reviewed under this section of the identity of each expert physician participating in the review.

SECTION 3. Section 164.003(f), Occupations Code, is amended to read as follows:

(f) The notice required by Subsection (b)(2) must be accompanied by a written statement of the nature of the allegations and the information the board intends to use at the meeting. If the board does not provide the statement or information at that time, the license holder may use that failure as grounds for rescheduling the informal meeting. If the complaint includes an allegation that the license holder has violated the standard of care, the notice must include a copy of each report prepared by an expert physician reviewer under Section 154.0561 and the name of each reviewer who

1 prepared a report. The license holder must provide to the board
2 the license holder's rebuttal at least 15 business days before the
3 date of the meeting in order for the information to be considered at
4 the meeting.

5 SECTION 4. Section 164.0031, Occupations Code, is amended
6 by adding Subsection (d) to read as follows:

7 (d) Not later than the third day before the date of an
8 informal meeting or other informal proceeding, the board must give
9 notice to the affected physician of the identity of each panelist
10 conducting the meeting or proceeding.

11 SECTION 5. Section 164.005, Occupations Code, is amended by
12 adding Subsection (d-1) to read as follows:

13 (d-1) The copy of the charges served on the respondent or
14 the respondent's counsel of record under Subsection (d) must
15 include:

16 (1) the identity of any expert the board intends to
17 present testimony in a formal hearing on the charges; and

18 (2) a copy of any written report regarding the
19 respondent prepared at the request of the board by an expert
20 required to be identified under Subdivision (1).

21 SECTION 6. Subchapter A, Chapter 164, Occupations Code, is
22 amended by adding Section 164.0065 to read as follows:

23 Sec. 164.0065. EXPERT TESTIMONY IN FORMAL HEARING.
24 Notwithstanding any provision of Chapter 2001, Government Code,
25 the board may not present testimony from an expert in a formal
26 hearing before the State Office of Administrative Hearings unless
27 the expert is identified under Section 164.005(d-1).

1 SECTION 7. Section 164.003(f-1), Occupations Code, is
2 repealed.

3 SECTION 8. The changes in law made by this Act apply only to
4 a complaint under Chapter 154, Occupations Code, or disciplinary
5 action under Chapter 164, Occupations Code, initiated on or after
6 the effective date of this Act.

7 SECTION 9. This Act takes effect September 1, 2025.