

Amend CSSB 104 as follows:

(1) Between SECTIONS 17 and 18 of the bill (house committee printing, page 11, between lines 12 and 13) insert the following SECTION, appropriately numbered:

SECTION _____. Chapter 160, Occupations Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REQUIREMENTS RELATING TO HOSPITALS

Sec. 160.151. REPORT FROM HOSPITAL. A hospital shall submit to the board a report regarding any medical error of which the hospital is aware that is committed:

(1) by a physician who has practice privileges at the hospital; and

(2) in the course of the physician's practice at the hospital.

Sec. 160.152. RULES. The board, with the cooperation of the Texas Department of Health, shall adopt rules specifying:

(1) the manner in which medical errors are required to be reported; and

(2) the types of medical errors that are required to be reported, including:

(A) a medication error resulting in the unanticipated death of a patient, or a major, permanent loss of a bodily function of a patient, if the death or loss of bodily function is unrelated to the natural course of the illness or underlying condition of the patient;

(B) a medical error resulting in a perinatal death of an infant having a birth weight greater than 2,500 grams, if the death is unrelated to a congenital condition of the infant;

(C) the performance of surgery on the wrong patient or on the wrong body part of a patient;

(D) the accidental leaving of a foreign object in a patient's body during a procedure; and

(E) a medical error resulting in the death or serious disability of a patient if the death or serious disability is associated with the use or function of a device in patient care that is used or functions in a manner other than that intended.

(2) Between SECTIONS 29 and 30 of the bill (house committee

printing, between page 22, line 27, and page 23, line 1) insert the following SECTION, appropriately numbered:

SECTION _____. Subchapter E, Chapter 164, Occupations Code, is amended by adding Section 164.2015 to read as follows:

Sec. 164.2015. REVIEW BY BOARD IF TWO OR MORE MEDICAL ERRORS REPORTED BY HOSPITALS. The board:

(1) may conduct an investigation of a physician with regard to whom the board has received a report of a medical error under Subchapter D, Chapter 160, in the same manner as if a complaint against the physician had been made to the board under Section 154.051 if the board determines that the seriousness of the error reported warrants an investigation; and

(2) shall conduct an investigation of a physician with regard to whom the board has received two or more reports of medical errors under Subchapter D, Chapter 160, in a three-year period in the same manner as if a complaint against the physician had been made to the board under Section 154.051.

(3) Renumber the SECTIONS of the bill accordingly.