

BILL ANALYSIS

Senate Research Center

S.B. 1574
By: Carona
State Affairs
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Enrolled

DIGEST AND PURPOSE

Under current law, the Texas Workers' Compensation Commission (TWCC) is required to work with both the Texas State Board of Medical Examiners (TSBME) and the Texas State Board of Chiropractic Examiners (TSBCE) to regulate certain health care providers. S.B. 1574 provides confidentiality protections for TWCC, TSBME, and TSBCE in order for each of them to exchange information relating to ongoing investigations.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subsection (b), Section 413.0511(b), Labor Code, by amending Subsection (b)(6) to make a conforming change. Deletes current text relating to disciplinary actions imposed on certain individuals.

SECTION 2. Amends Subsection (d), Section 413.0512, Labor Code, to provide that a person who serves on the medical quality review panel is immune from suit and from civil liability, rather than is not liable in a civil action, for an act performed, or a recommendation made, within the scope of the person's functions as a member of the panel if the person acts without malice and in the reasonable belief that the action or recommendation is warranted by the facts known to that person. Entitles a member of the panel, in the event of a civil action brought against the person that arises from the person's participation on the panel, to the same protections afforded a Texas Workers' Compensation Commission (TWCC) member under Section 402.010.

SECTION 3. Amends Section 413.0513, Labor Code, as follows:

Sec. 413.0513. CONFIDENTIALITY REQUIREMENTS. (a) Provides that information collected, assembled, or maintained by or on behalf of TWCC under Section 413.0511 or 413.0512 constitutes an investigation file for purposes of Section 402.092 and prohibits disclosure under Section 413.0511 or 413.0512 except as provided by that section. Deletes text regarding the disclosure of information collected or assembled relating to confidentiality requirements in certain criminal proceedings and hearings.

(b) Provides that confidential information, and other information to which access is restricted by law, developed by or on behalf of TWCC under Section 413.0511 or 413.0512 is not subject to discovery or court subpoena in certain actions.

SECTION 4. Amends Subchapter E, Chapter 413, Labor Code, by adding Sections 413.0514 and 413.0515, as follows:

Sec. 413.0514. INFORMATION SHARING WITH OCCUPATIONAL LICENSING

BOARDS. (a) Provides that this section applies only to information held by or for TWCC, the Texas State Board of Medical Examiners (TSBME), and Texas Board of Chiropractic Examiners (TBCE) that relates to a person who is licensed or otherwise regulated by any of those state agencies.

(b) Authorizes TWCC or TSBME, on request or on its own initiative, to share with each other confidential information or information to which access is otherwise restricted by law. Requires TWCC and TSBME to cooperate with and assist each other when either agency is conducting an investigation by providing information to each other that the sending agency determines is relevant to the investigation. Provides that, except as provided by this section, confidential information that is shared under this section remains confidential under law and legal restrictions on access to the information remain in effect. Provides that furnishing information by the TSBME to TWCC or by TWCC to TSBME under this subsection does not constitute a waiver of privilege or confidentiality as established by law.

(c) Provides that information that is received by TWCC from TSBME or by TSBME from TWCC remains confidential, prohibits its disclosure by TWCC except as necessary to further the investigation, and requires its exemption from disclosure under Sections 402.092 and 413.0513.

(d) Authorizes TWCC or TBCE, on request or on its own initiative, to share with each other confidential information or information to which access is otherwise restricted by law. Requires TWCC and TBCE to cooperate with and assist each other when either agency is conducting an investigation by providing information to each other that is relevant to the investigation. Provides that, except as provided by this section, confidential information that is shared under this section remains confidential under law and legal restrictions on access to the information remain in effect unless the agency sharing the information approves use of the information by the receiving agency for enforcement purposes. Provides that furnishing information by the TBCE to TWCC or by TWCC to TBCE under this subsection does not constitute a waiver of privilege or confidentiality as established by law.

(e) Provides that information that is received by TWCC from TBCE or by TBCE remains confidential, and prohibits its disclosure by TWCC except as necessary to further the investigation unless the agency sharing the information and the agency receiving the information agree to use of the information by the receiving agency for enforcement purposes.

(f) Requires TWCC and TSBME to provide information to each other on all disciplinary actions taken.

(g) Requires TWCC and TBCE to provide information to each other on all disciplinary actions taken.

Sec. 413.0515. REPORTS OF PHYSICIAN AND CHIROPRACTOR VIOLATIONS.

(a) Requires TWCC or TSBME to report certain acts or omissions of physicians to the other agency.

(b) Requires TWCC or TSBCE to report certain acts or omissions of chiropractors to the other agency.

SECTION 5. Amends Subsection (a), Section 160.006, Occupations Code, to add TWCC to the list of entities to which TSBME is authorized to disclose information.

SECTION 6. Amends Section 408.047, Labor Code, to provide that the state average weekly wage for the fiscal year beginning September 1, 2003, and ending August 31, 2004, is \$537, and for the fiscal year beginning September 1, 2004, and ending August 31, 2005, is \$539. Deletes a provision that the state average weekly wage equals the annual average of the average weekly wage of manufacturing production workers in this state, as determined by the Texas Employment Commission.

SECTION 7. Makes application of Subsection (d), Section 413.0512, Labor Code, as amended by this Act, retroactive.

SECTION 8. (a) Makes application of this Act to certain information retroactive.

(b) Effective date: upon passage or September 1, 2003.