

1 AN ACT

2 relating to the establishment of an office of patient protection
3 within the Health Professions Council.

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

5 SECTION 1. Chapter 101, Occupations Code, is amended by
6 adding Subchapter G to read as follows:

7 SUBCHAPTER G. OFFICE OF PATIENT PROTECTION

8 Sec. 101.301. GENERAL PROVISIONS. (a) In this subchapter:

9 (1) "Consumers as a class" means five or more
10 individuals whose complaints are of the same or similar regulatory
11 and factual circumstances and issues.

12 (2) "Licensing agency" means a health occupation
13 regulatory agency that is a member of the council.

14 (3) "Office" means the office of patient protection.

15 (b) The council shall establish an office of patient
16 protection within the council to represent the interests of
17 consumers in matters before licensing agencies.

18 Sec. 101.302. EXECUTIVE COMMITTEE; DIRECTOR. (a) The
19 governor shall appoint an executive committee consisting of at
20 least three members who are public members of the governing bodies
21 of licensing agencies. The executive committee shall appoint a
22 director for the office. The director shall be responsible for
23 administering the provisions of this subchapter.

24 (b) The director may not be:

1 (1) a health care professional licensed or certified
2 by a licensing agency;

3 (2) financially involved with the provision of health
4 care or with an entity that provides health care, including an
5 entity regulated by a licensing agency;

6 (3) an officer, employee, or paid consultant of a
7 trade association for a profession that is regulated by a licensing
8 agency;

9 (4) an officer, employee, or paid consultant of a
10 trade association for an entity regulated by the Texas Department
11 of Insurance; or

12 (5) required to register as a lobbyist under Chapter
13 305, Government Code, because of the person's activities for
14 compensation related to a person or organization subject to
15 regulation by a licensing agency.

16 Sec. 101.303. ADMINISTRATIVE ATTACHMENT TO COUNCIL;
17 REIMBURSEMENT. The office is located in the council but may not
18 interfere with the other duties of the council. The office shall
19 reimburse the council from fees received by the office under
20 Section 101.307 for administrative costs incurred by the council in
21 providing administrative support for the office.

22 Sec. 101.304. PUBLIC INFORMATION PROVIDED BY OFFICE;
23 STANDARD COMPLAINT FORM. (a) The office shall provide to the
24 public information about the complaint process at each licensing
25 agency.

26 (b) The office shall conduct a public awareness campaign to
27 increase awareness of the telephone complaint system under

1 Subchapter B.

2 (c) Through the use of the Internet and other information
3 and communications media, the office shall provide information to
4 the public in easily understood language regarding the complaint
5 procedures and sanctions processes used by the licensing agencies.

6 (d) The office, in cooperation with the licensing agencies,
7 shall adopt a standard complaint form that may be used by a member
8 of the public to file a complaint with a licensing agency. Each
9 licensing agency shall accept the form adopted under this section
10 in addition to any other form required by the agency.

11 Sec. 101.305. POWERS AND DUTIES OF OFFICE. (a) The office
12 shall:

13 (1) establish, in consultation with and on the
14 approval of the council, protocols for interaction with licensing
15 agencies;

16 (2) serve as the ombudsman for consumer complaints at
17 the licensing agencies on the request of an individual consumer;

18 (3) assist consumers in obtaining information about
19 the status of complaints; and

20 (4) review the Internet websites of licensing agencies
21 and make recommendations to the agencies on making public
22 information, including information relating to disciplinary
23 actions, understandable to and easily accessible by the public.

24 (b) The office may:

25 (1) appear at or present information or testimony to a
26 licensing agency on behalf of consumers as a class; and

27 (2) appeal the decisions of licensing agencies to the

1 governing body of the appropriate licensing agency on behalf of
2 consumers as a class but not for individual complainants.

3 (c) The office may not appeal an individual complainant's
4 case before any agency.

5 (d) The office is entitled to access to:

6 (1) complaints received by a licensing agency, unless
7 the access would jeopardize an ongoing investigation; and

8 (2) the public records of a licensing agency and the
9 records of a licensing agency that are filed with the State Office
10 of Administrative Hearings.

11 (e) The confidentiality requirements that apply to the
12 records of a licensing agency and the sanctions for disclosure of
13 confidential information apply to the office and to information
14 obtained by the office under Subsection (d).

15 Sec. 101.306. MONITORING OF AGENCIES. (a) The office shall
16 review and evaluate rules proposed for adoption by the licensing
17 agencies and changes made to the statutes that govern the operation
18 of the agencies and the professions regulated by the agencies.

19 (b) The office may report to the legislature and recommend
20 to licensing agencies changes in agency rules that, in the office's
21 judgment, would positively affect the interests of consumers.

22 (c) The office shall recommend changes to the statutes
23 described by Subsection (a) to the Sunset Advisory Commission
24 during the commission's review of the relevant licensing agency.

25 Sec. 101.307. FUNDING OF OFFICE. (a) To provide funding
26 sufficient for the office to exercise the powers and duties
27 prescribed by this subchapter:

1 (1) the initial licensing or registration fee charged
2 by each licensing agency is increased by \$5; and

3 (2) the renewal fee charged by each licensing agency
4 is increased by \$1 for each year for which the license or
5 registration is renewed.

6 (b) The fee increases authorized under this section shall be
7 collected in the same manner as the assessment under Section
8 101.006. The council may spend the fees collected under this
9 section only to fund the activities of the office under this
10 subchapter.

11 SECTION 2. (a) This Act takes effect September 1, 2003.

12 (b) The Health Professions Council shall establish the
13 office of patient protection as required by this Act not later than
14 January 1, 2004. The Health Professions Council may establish a
15 schedule under which the office of patient protection shall begin
16 to perform the powers and duties prescribed by this Act on and after
17 the date the office is established.

18 (c) The change in law made by this Act by the enactment of
19 Section 101.307, Occupations Code, applies only to a fee collected
20 on or after January 1, 2004.

President of the Senate

Speaker of the House

I certify that H.B. No. 2985 was passed by the House on April 30, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2985 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor