

By: Capelo

H.B. No. 2985

Substitute the following for H.B. No. 2985:

By: McReynolds

C.S.H.B. No. 2985

A BILL TO BE ENTITLED

AN ACT

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

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

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

SUBCHAPTER G. OFFICE OF PATIENT PROTECTION

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

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

(2) "Office" means the office of patient protection.

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

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

(b) The director may not be:

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

(2) financially involved with the provision of health

1 care or with an entity that provides health care, including an
2 entity regulated by a licensing agency;

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

6 (4) required to register as a lobbyist under Chapter
7 305, Government Code, because of the person's activities for
8 compensation related to a person or organization subject to
9 regulation by a licensing agency.

10 Sec. 101.303. ADMINISTRATIVE ATTACHMENT TO COUNCIL;
11 REIMBURSEMENT. The office is located in the council but may not
12 interfere with the other duties of the council. The office shall
13 reimburse the council from fees received by the office under
14 Section 101.307 for administrative costs incurred by the council in
15 providing administrative support for the office.

16 Sec. 101.304. PUBLIC INFORMATION PROVIDED BY OFFICE;
17 STANDARD COMPLAINT FORM. (a) The office shall provide to the
18 public information about the complaint process at each licensing
19 agency.

20 (b) The office shall conduct a public awareness campaign to
21 increase awareness of the telephone complaint system under
22 Subchapter B.

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

27 (d) The office, in cooperation with the licensing agencies,

1 shall adopt a standard complaint form that may be used by a member
2 of the public to file a complaint with a licensing agency. Each
3 licensing agency shall accept the form adopted under this section
4 in addition to any other form required by the agency.

5 Sec. 101.305. POWERS AND DUTIES OF OFFICE. (a) The office
6 shall:

7 (1) establish, in consultation with and on the
8 approval of the council, protocols for interaction with licensing
9 agencies;

10 (2) serve as the ombudsman for consumer complaints at
11 the licensing agencies;

12 (3) assist consumers in obtaining information about
13 the status of complaints; and

14 (4) review the Internet websites of licensing agencies
15 and make recommendations to the agencies on making public
16 information, including information relating to disciplinary
17 actions, understandable to and easily accessible by the public.

18 (b) The office may:

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

21 (2) appeal the decisions of licensing agencies to the
22 governing body of the appropriate licensing agency on behalf of
23 consumers as a class but not for individual complainants.

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

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

27 (1) complaints received by a licensing agency; and

1 (2) the records of a licensing agency that are
2 available to a party, other than the staff of the agency, in a
3 proceeding involving the agency.

4 (e) The confidentiality requirements that apply to the
5 records of a licensing agency and the sanctions for disclosure of
6 confidential information apply to the office and to information
7 obtained by the office under Subsection (d).

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

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

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

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

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

23 (2) the renewal fee charged by each licensing agency
24 is increased by \$1.

25 (b) The fee increases authorized under this section shall be
26 collected in the same manner as the assessment under Section
27 101.006. The council may spend the fees collected under this

1 section only to fund the activities of the office under this
2 subchapter.

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

4 (b) The Health Professions Council shall establish the
5 office of patient protection as required by this Act not later than
6 January 1, 2004. The Health Professions Council may establish a
7 schedule under which the office of patient protection shall begin
8 to perform the powers and duties prescribed by this Act on and after
9 the date the office is established.

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