

By: Capelo

H.B. No. 3011

A BILL TO BE ENTITLED

AN ACT

relating to medical and health care information.

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

SECTION 1. Chapter 161, Health and Safety Code, is amended by amending Section 161.0315 to read as follows:

(a) The governing body of a hospital, medical organization, university medical school or health science center, health maintenance organization, extended care facility, hospital district, or hospital authority may form a medical peer review committee, as defined by Section 1.03, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), or a medical committee, as defined by Section 161.031, to evaluate medical and health care services, except as provided by this section.

(b) Except as provided by Subsection (d), a medical peer review committee or medical committee formed by the governing body of a hospital district may not evaluate medical and health care services provided by a health care facility that:

(1) contracts with the district to provide those services; and

(2) has formed a medical peer review committee or medical committee to evaluate the services provided by the facility.

(c) A hospital district may require in a contract with a health care facility described by Subsection (b) a provision that

1 allows the governing body of the district to appoint a specified  
2 number of members to the facility's medical peer review committee  
3 or medical committee to evaluate medical and health care services  
4 for which the district contracts with the facility to provide. The  
5 governing body of a hospital district may receive a report from the  
6 facility's medical peer review committee or medical committee under  
7 this section in a closed meeting. A report, information, or a  
8 record that the district receives from the facility related to a  
9 review action conducted under the terms of the contract is:

10 (1) confidential;

11 (2) not subject to disclosure under Chapter 552,  
12 Government Code; and

13 (3) subject to the same confidentiality and disclosure  
14 requirements to which a report, information, or record of a medical  
15 peer review committee under Section 5.06(s), Medical Practice Act  
16 (Article 4495b, Vernon's Texas Civil Statutes), is subject.

17 (d) If a hospital district and a health care facility  
18 described by Subsection (b) do not agree on a contract provision  
19 described by Subsection (c), the hospital district has, with  
20 respect to a review action for the evaluation of medical and health  
21 care services provided by the facility under a contract with the  
22 district, a right to:

23 (1) initiate the review action;

24 (2) appoint from the medical staff of the facility a  
25 number of members to the facility's medical peer review committee  
26 or medical committee equal to the number of members appointed to the  
27 committee by the facility to conduct the review action, without

1 regard to whether the district initiates the action; and

2 (3) receive records, information, or reports from the  
3 medical peer review committee or medical committee related to the  
4 review action.

5 (e) The governing body of a hospital district may receive a  
6 report under Subsection (d)(3) in a closed meeting. A report,  
7 information, or a record that the hospital district receives under  
8 Subsection (d)(3) is:

9 (1) confidential;

10 (2) not subject to disclosure under Chapter 552,  
11 Government Code; and

12 (3) subject to the same confidentiality and disclosure  
13 requirements to which a report, information, or record of a medical  
14 peer review committee under Section 5.06(s), Medical Practice Act  
15 (Article 4495b, Vernon's Texas Civil Statutes), is subject.

16 (f) A medical peer review committee or medical committee  
17 formed by the governing body of a hospital district described by  
18 Subsection (b) shall have the right to compile a report,  
19 information, or record of the medical and health care services  
20 provided by a health care facility described by Subsection (b) and  
21 submit the compilation to the facility's medical peer review  
22 committee or medical committee. A report, information, or a record  
23 compiled under this subsection is:

24 (1) confidential;

25 (2) not subject to disclosure under Chapter 552,  
26 Government Code; and

27 (3) subject to the same confidentiality and disclosure

1 requirements to which a report, information, or record of a medical  
2 peer review committee under Section 5.06(s), Medical Practice Act  
3 (Article 4495b, Vernon's Texas Civil Statutes), is subject.

4 SECTION 2. This Act takes effect September 1, 2003.