

By: Madden

H.B. No. 3095

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirement that a health care entity notify the
3 Texas State Board of Medical Examiners regarding the privileges or
4 membership of a physician.

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

6 SECTION 1. Chapter 160.002, Occupations Code, is amended by
7 amending Subsection (b) and adding a new Subsection (c) to read as
8 follows:

9 (a) A medical peer review committee or health care entity
10 shall report in writing to the board the results and circumstances
11 of a medical peer review that:

12 (1) adversely affects the clinical privileges of a
13 physician for a period longer than 30 days;

14 (2) accepts a physician's surrender of clinical
15 privileges either:

16 (A) while the physician is under an investigation
17 by the medical peer review committee relating to possible
18 incompetence or improper professional conduct; or

19 (B) in return for not conducting an investigation
20 or proceeding relating to possible incompetence or improper
21 professional conduct; or

22 (3) adversely affect the membership of a physician in
23 a professional society or association, if the medical peer review
24 is conducted by that society or association.

1 (b) A health care entity required to report under Subsection
2 (a) shall provide the report not later than the 30th day after the
3 date the change in the physician's privileges or membership at the
4 entity is final.

5 (c) The duty to report under this section may not be
6 nullified through contract.

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

8 (b) The change in law made by this Act applies to an action
9 taken by a health care entity, or a settlement or agreement between
10 a health care entity and a physician made, on or after the effective
11 date of the Act. An action taken by a health care entity, or a
12 settlement or agreement between a health care entity and a physician
13 made, before the effective date of the Act is governed by the law in
14 effect on the date the action was taken or the settlement or
15 agreement was made, and the former law is continued in effect for
16 that purpose.