

By: Harris

S.B. No. 702

A BILL TO BE ENTITLED

AN ACT

relating to information regarding certain complaints filed with the Texas State Board of Medical Examiners and related settlements.

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

SECTION 1. Section 154.052, Occupations Code, is amended to read as follows:

Sec. 154.052. RECORDS OF COMPLAINTS. (a) The board shall keep an information file about each complaint filed with the board. The information file must be kept current and contain a record for each complaint of:

(1) each potential witness contacted in relation to the complaint;

(2) a summary of findings made at each step of the complaint process;

(3) an explanation of the legal basis and reason for the dismissal of a complaint;

(4) the schedule for the disposition of the complaint prepared as required under Section 154.056 and a notation of any change in the schedule; and

(5) other relevant information.

(b) If a complaint is closed with no disciplinary or rehabilitative action taken, the board shall retain a record of the complaint and shall delete the identity of the license holder against whom the complaint was filed 10 years from the date of the

1 closure of the complaint.

2 SECTION 2. Section 154.054, Occupations Code, is amended to  
3 read as follows:

4 Sec. 154.054. COMPLAINT INFORMATION TO HEALTH CARE  
5 ENTITY. On written request, the board shall provide information to  
6 a health care entity regarding:

7 (1) a complaint filed against a license holder that  
8 was resolved after investigation by:

9 (A) a disciplinary order of the board; or

10 (B) an agreed settlement; and

11 (2) the basis of and current status of any complaint  
12 under active investigation that has been assigned by the executive  
13 director to a person authorized by the board to pursue legal action.

14 SECTION 3. Subsection (a), Section 160.052, Occupations  
15 Code, is amended to read as follows:

16 (a) Each insurer shall submit to the board the report or  
17 other information described by Section 160.053 at the time  
18 prescribed. The insurer shall provide the report or information  
19 with respect to:

20 (1) a [~~notice of claim letter or~~] complaint filed  
21 against an insured in a court, if the [~~notice of claim letter or~~]  
22 complaint seeks damages relating to the insured's conduct in  
23 providing or failing to provide a medical or health care service;  
24 and

25 (2) settlement of a claim without the filing of a  
26 lawsuit or settlement of a lawsuit made on behalf of the insured  
27 involving damages relating to the insured's conduct in providing or

1 failing to provide a medical or health care service.

2 SECTION 4. Subsection (a), Section 160.053, Occupations  
3 Code, is amended to read as follows:

4 (a) Not later than the 30th day after the date an insurer  
5 receives from an insured a [~~notice of claim letter or~~] complaint  
6 filed in a lawsuit, the date of a settlement of a claim without the  
7 filing of a lawsuit, or the date of a settlement of a lawsuit  
8 against the [~~from an~~] insured, the insurer shall furnish to the  
9 board:

10 (1) the name of the insured and the insured's Texas  
11 medical license number;

12 (2) the policy number; and

13 (3) a copy of the [~~notice of claim letter or~~] complaint  
14 or settlement.

15 SECTION 5. Subsection (a), Section 160.052, and Subsection  
16 (a), Section 160.053, Occupations Code, as amended by this Act,  
17 apply only to a settlement entered into on or after the effective  
18 date of this Act. A settlement entered into before the effective  
19 date of this Act is governed by the law as it existed on the date the  
20 settlement was entered into, and the law is continued in effect for  
21 that purpose.

22 SECTION 6. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2003.