

By: Carona

S.B. No. 1574

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to authorizing the Texas Workers' Compensation Commission  
3 and the Texas State Board of Medical Examiners to share information  
4 for investigative purposes.

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

6 SECTION 1. Section 413.0511, Labor Code, is amended by  
7 amending subsection (b-6) to read as follows:

8 Sec. 413.0511. MEDICAL ADVISOR.

9 (b) The medical advisor shall make recommendations  
10 regarding the adoption of rules to:

11 (6) pursuant to Section 413.0514, receive, and share  
12 with the medical quality review panel established under Section  
13 413.0512, confidential information from the Texas State Board of  
14 Medical Examiners, the Texas Board of Chiropractic Examiners, or  
15 other occupational licensing boards regarding [~~disciplinary~~  
16 ~~actions imposed on~~] a physician, chiropractor, or other type of  
17 doctor who applies for registration or is registered with the  
18 commission on the list of approved doctors; and

19 (7) determine minimal modifications to the  
20 reimbursement methodology and model used by the Medicare system as  
21 necessary to meet occupational injury requirements.

22 SECTION 2. Chapter 413, Subchapter E, Labor Code, is  
23 amended by adding a section 413.0514 to read as follows:

24 Sec. 413.0514. INFORMATION SHARING WITH OCCUPATIONAL

1 LICENSING BOARDS. (a) This section applies only to information  
2 held by or for the commission, the Texas State Board of Medical  
3 Examiners, and Texas Board of Chiropractic Examiners that relates  
4 to a person who is licensed or otherwise regulated by any of those  
5 state agencies.

6 (b) Each of the agencies listed in Subsection (a), on  
7 request or on its own initiative, may share confidential  
8 information or information to which access is otherwise restricted  
9 by law with one or more of the other agencies listed in Subsection  
10 (a) for investigative or enforcement purposes. Except as provided  
11 by this section, confidential information that is shared under this  
12 section remains confidential under law and legal restrictions on  
13 access to the information remain in effect.

14 (c) A state agency that receives shared information under  
15 this section:

16 (1) shall keep the information secure and limit access  
17 to the information within the agency to agency personnel who need  
18 access for investigative purposes; and

19 (2) may disclose the information only:

20 (A) to another agency listed in Subsection (a) in  
21 accordance with this section;

22 (B) to the extent necessary to bring or prosecute  
23 a contested case or court action to restrain or prevent a violation  
24 of law or to impose sanctions or penalties in connection with a  
25 violation of law;

26 (C) to an appropriate law enforcement agency or  
27 prosecutor if the state agency determines that the information may

1 be evidence of an offense or evidence that a particular person  
2 committed an offense; or

3 (D) under a court order or subpoena obtained  
4 after a showing to a court that disclosure of the information is  
5 necessary to protect the public health, safety, or welfare.

6 SECTION 3. Section 160.006, Subsection (a), Occupations  
7 Code, is amended to read as follows:

8 Sec. 160.006. BOARD CONFIDENTIALITY. (a) A record,  
9 report, or other information received and maintained by the board  
10 under this subchapter or Subchapter B, including any material  
11 received or developed by the board during an investigation or  
12 hearing and the identity of, and reports made by, a physician  
13 performing or supervising compliance monitoring for the board, is  
14 confidential. The board may disclose this information only:

15 (1) in a disciplinary hearing before the board or in a  
16 subsequent trial or appeal of a board action or order;

17 (2) to the physician licensing or disciplinary  
18 authority of another jurisdiction, to a local, state, or national  
19 professional medical society or association, or to a medical peer  
20 review committee located inside or outside this state that is  
21 concerned with granting, limiting, or denying a physician hospital  
22 privileges;

23 (3) under a court order; ~~or~~

24 (4) to qualified personnel for bona fide research or  
25 educational purposes, if personally identifiable information  
26 relating to any physician or other individual is first deleted; or

27 (5) to the Texas Workers' Compensation Commission

1 pursuant to Labor Code Section 413.0514.

2           SECTION 4. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2003.