

Amend **CSHB 7** in SECTION 1.034 of the bill, Sec. 402.168, Labor Code (Committee Substitute page 31), by striking lines 13 through 21, and substituting the following:

"Sec. 402.168 [402.072]. SANCTIONS. (a) The department may impose sanctions against any individual or entity monitored or regulated by the department under this subtitle.

(b) The commissioner by rule shall establish criteria for imposing sanctions pursuant to this subtitle. Rules adopted under this section are in addition to, and do not affect, the rules adopted under Section 415.023(b).

(c) The criteria for recommending or imposing sanctions may include anything the commissioner considers relevant, including:

(1) a sanction of the doctor or other health care provider by the department for a violation of Chapter 413 or Chapter 415;

(2) a sanction by the Medicare or Medicaid program for:
(A) substandard medical care;
(B) overcharging;
(C) overutilization of medical services; or
(D) any other substantive noncompliance with requirements of those programs regarding professional practice or billing;

(3) evidence from the department's medical records that the applicable insurance carrier's utilization review practices or the doctor's or health care provider's charges, fees, diagnoses, treatments, evaluations, or impairment ratings are substantially different from those the department finds to be fair and reasonable based on either a single determination or a pattern of practice;

(4) a suspension or other relevant practice restriction of the doctor's or other health care provider's license by an appropriate licensing authority;

(5) professional failure to practice medicine or provide health care, including chiropractic care, in an acceptable manner consistent with the public health, safety, and welfare;

(6) findings of fact and conclusions of law made by a court, an administrative law judge of the State Office of Administrative Hearings, or a licensing or regulatory authority; or

(7) an initial criminal conviction, including a pleading of guilty or nolo contendere, or agreeing to an order of probation without adjudication of guilt under deferred adjudication, without regard to whether a subsequent order allows a withdrawal of a plea of guilty; sets aside a verdict of guilty; or dismisses an information or indictment.

(d) The commissioner by rule shall establish procedures under which an individual or entity may apply for restoration of practice privileges removed by the commissioner based on sanctions imposed under this subtitle.

(e) The department shall act on a recommendation by the medical advisor selected under Section 413.0511 and, after notice and the opportunity for a hearing, may impose sanctions under this section on a doctor or other health care provider or an insurance carrier or may recommend action regarding a utilization review agent.

(f) Sanctions may include:

(1) a sanction that deprives a person of the right to practice before the department under this subtitle or of the right to receive remuneration under this subtitle;

(2) suspension or revocation of a certificate of authority, license, certification, or permit required for practice in the field of workers' compensation;

(3) authorizing increased or reduced utilization review and preauthorization controls on a doctor or other health care provider;

(4) reduction of allowable reimbursement;

(5) mandatory preauthorization of all or certain health care services;

(6) required peer review monitoring, reporting, and audit;

(7) deletion or suspension from the designated doctor list;

(8) restrictions on appointment under this chapter;

(9) conditions or restrictions on an insurance carrier regarding actions by insurance carriers under this subtitle in accordance with the memorandum of understanding adopted between the

commission and the Texas Department of Insurance regarding Article 21.58A, Insurance Code;

(10) mandatory participation in training classes or other courses as established or certified by the commission; and

(11) other appropriate sanction.

(g) Only the commissioner may impose:

(1) a sanction that deprives a person of the right to practice before the department under this subtitle or of the right to receive remuneration under this subtitle for a period exceeding 30 days; or

(2) another sanction suspending for more than 30 days or revoking a certificate of authority, license, certification, or permit required for practice in the field of workers' compensation.

(h) A sanction imposed by the department is binding pending appeal."