

BILL ANALYSIS

Senate Research Center
81R22828 JAM-D

H.B. 732
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Formal complaints against a physician are made under oath, filed with the Texas Medical Board (TMB), and are presented by a TMB representative. The complaints charge a person with having committed an act that could potentially affect the legal rights or privileges of a license holder.

TMB maintains a permanent, public profile on each licensed physician. The profile includes the text and status of any formal complaint filed against the physician. The profile includes the record of TMB's investigation into the medical competency of a physician against whom three separate malpractice lawsuits had been filed within a five-year period. This profile is updated annually by TMB.

This bill requires TMB, during the annual update to a physician's profile, to remove records of a formal complaint that was dismissed more than five years before the update if certain conditions are met. This bill requires TMB to remove records about an investigation of medical malpractice claims or complaints filed if certain conditions are met.

H.B. 732 relates to the removal of certain information from a physician's medical board profile.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 154.006, Occupations Code, by adding Subsection (k), as follows:

(k) Requires the Texas Medical Board (TMB), in the annual update of a physician's profile under Subsection (g) (relating to the requirement to update a physician's profile annually), to remove any record of a formal complaint required under Subsection (b)(15) (relating to the requirement that a description of any formal complaint against the physician initiated and filed under Section 164.005 and the status of the complaint be included in the profile maintained by TMB) or (i) (relating to the requirement that a physician's profile maintained by TMB contain the text of a formal complaint filed under Section 164.005 against the physician or of a TMB order related to the formal complaint) if the complaint was dismissed more than five years before the date of the update and the complaint was dismissed as baseless, unfounded, or not supported by sufficient evidence that a violation occurred, or no action was taken against the physician's license as a result of the complaint. Requires TMB to also remove any record of the investigation of medical malpractice claims or complaints required to be investigated by TMB under Section 164.201 (Review By Board If Three or More Malpractice Claims) if the investigation was resolved more than five years before the date of the update and no action was taken against the physician's license as a result of the investigation.

SECTION 2. Effective date: September 1, 2009.