

BILL ANALYSIS

C.S.H.B. 732
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a claim or complaint filed against a physician remains part of the permanent record in a physician's profile, regardless of whether the claim or complaint was substantiated, found to be frivolous, or never acted upon. There is no reason to maintain a "black mark" on a physician's record when a claim or complaint has been dismissed for five years.

C.S.H.B. 732 requires the Texas Medical Board to remove a formal complaint record if it was dismissed more than five years prior to the board's annual update of a physician's profile.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 732 amends the Occupations Code to require the Texas Medical Board, in the required annual update of a physician's profile under the Medical Practice Act, to remove any record of a 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. The bill requires the board to remove any record of the investigation of medical malpractice claims or complaints required to be investigated by the board under provisions requiring a review of a physician's medical competency based on three or more malpractice claims against a physician 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.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 732 differs from the original by requiring the board to remove any record of a formal complaint, rather than any claim or complaint, against a physician in the annual update of a physician's profile. The substitute differs from the original by increasing from three years before the date of the update of a physician's profile to five years before the date of the update the period before which a formal complaint must be dismissed to qualify for removal from the profile. The substitute differs from the original by adding the conditions that the complaint be dismissed as baseless, unfounded, or not supported by sufficient evidence that a violation occurred or that no action was taken against the physician's license as a result of the complaint to qualify for removal from the profile.

C.S.H.B. 732 adds a provision not in the original requiring the removal of any record of the investigation of certain medical malpractice claims or complaints under certain conditions.