

By: Lucio III

H.B. No. 1126

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the finality of an administrative law judge's decision
3 in a contested case involving disciplinary action against a
4 physician.

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

6 SECTION 1. Sections 164.007(a) and (a-1), Occupations Code,
7 are amended to read as follows:

8 (a) The board by rule shall adopt procedures governing
9 formal disposition of a contested case under Chapter 2001,
10 Government Code. A formal hearing shall be conducted by an
11 administrative law judge employed by the State Office of
12 Administrative Hearings. After receiving the administrative law
13 judge's findings of fact and conclusions of law, the board shall
14 dispose of the contested case by issuing a final order based on the
15 administrative law judge's findings of fact and conclusions of law
16 ~~[determine the charges on the merits]~~.

17 (a-1) Notwithstanding Section 2001.058(e), Government
18 Code, the ~~[The]~~ board may not change a finding of fact or conclusion
19 of law or vacate or modify an order of the administrative law judge,
20 including an order recommending or imposing a sanction ~~[only if the~~
21 ~~board makes a determination required by Section 2001.058(e),~~
22 ~~Government Code]~~.

23 SECTION 2. Sections 164.007(a) and (a-1), Occupations Code,
24 as amended by this Act, apply only to a contested case for which an

1 administrative law judge employed by the State Office of
2 Administrative Hearings issues written findings of fact and
3 conclusions of law on or after the effective date of this Act. A
4 contested case for which an administrative law judge employed by
5 the State Office of Administrative Hearings issues written findings
6 of fact and conclusions of law before the effective date of this Act
7 is governed by the law in effect on the date the findings of fact and
8 conclusions of law were issued, and the former law is continued in
9 effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2009.