

BILL ANALYSIS

C.S.H.B. 680
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

When a complaint against a licensed physician is received by the Texas Medical Board, the board has a maximum of 30 days to inform the physician of the complaint and complete a preliminary investigation. However, there is a concern that this deadline does not properly account for the time it takes the board to receive, process, and send notification of the complaint or allow adequate time for the physician to respond.

C.S.H.B. 680 seeks to address this issue by extending the period in which the Texas Medical Board is allowed to complete a preliminary investigation against a licensed physician and by extending the period in which the board is required to notify a licensed physician of a scheduled informal hearing.

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. 680 amends the Occupations Code to change the deadline by which the Texas Medical Board is required to complete a preliminary investigation of a complaint filed with the board to not later than the 45th day after the date of receiving the complaint, rather than not later than the 30th day after the date of receiving the complaint. The bill changes the deadline by which board rules governing informal proceedings must require the board to give notice to the license holder of the time and place of a meeting to not later than the 45th day before the date the meeting is held, rather than not later than the 30th day before the date the meeting is held.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 680 contains provisions not in the original changing the deadline by which the Texas Medical Board is required to complete a preliminary investigation of a complaint filed with the board and the deadline by which board rules governing informal proceedings must require the board to give notice to the license holder of the time and place of a meeting. The substitute contains a provision not included in the original relating to the applicability of the provisions of the substitute.

C.S.H.B. 680 omits a provision in the original requiring Texas Medical Board rules concerning the investigation and review of a complaint filed with the board to ensure that a physician who is the subject of a complaint has at least 45 days after receiving a copy of the complaint to prepare and submit a response. The substitute omits a provision in the original changing the deadline by

which the board is required to establish a schedule for conducting each phase of a complaint that is under the control of the board from not later than the 30th day after the date the board receives the complaint to not later than the 30th day after the date the physician's time for preparing and submitting a response expires.