

BILL ANALYSIS

S.B. 191
By: Nelson
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Medical Board is responsible for protecting the public's health, safety, and welfare through the regulation of the practice of medicine. S.B. 191 seeks to increase transparency regarding the disposition of cases by the Texas Medical Board by amending provisions of law relating to the board's authority relating to findings of fact or conclusions of law issued by an administrative law judge and the role of the administrative law judge in the disposition of such cases.

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

S.B. 191 amends the Occupations Code to require the Texas Medical Board, after receiving the administrative law judge's findings of fact and conclusions of law in a contested case under the Administrative Procedure Act, to dispose of the contested case by issuing a final order based on the administrative law judge's findings of fact and conclusions of law, rather than requiring the board to determine the charges on the merits. The bill prohibits the board from changing a finding of fact or conclusion of law or vacating or modifying an order of the administrative law judge and removes a provision authorizing the board to change a finding of fact or conclusion of law or vacate or modify an order of the administrative law judge under certain circumstances.

S.B. 191 authorizes the board to obtain judicial review of any finding of fact or conclusion of law issued by the administrative law judge as provided by provisions of law governing hearings conducted by the State Office of Administrative Hearings. The bill establishes that for each case, the board has the sole authority and discretion to determine the appropriate action or sanction and prohibits the administrative law judge from making any recommendation regarding the appropriate action or sanction.

EFFECTIVE DATE

September 1, 2011.