

BILL ANALYSIS

S.B. 227
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. Currently, the board has two options for resolving a complaint against a physician: dismissal of the complaint or disciplinary action. S.B. 227 seeks to establish a more educational and corrective option by allowing the board to resolve the investigation of a complaint against a physician through a remedial plan that would give the physician an opportunity to learn and improve the physician's practice.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Medical Board in SECTIONS 1 and 3 of this bill.

ANALYSIS

S.B. 227 amends the Occupations Code to authorize the Texas Medical Board, in addition to its existing disciplinary authority and authority to dispose of certain complaints and contested cases, to issue and establish the terms of a remedial plan to resolve the investigation of a complaint against a physician. The bill prohibits the remedial plan from containing a provision that revokes, suspends, limits, or restricts a person's license or other authorization to practice medicine or assesses an administrative penalty against a person.

S.B. 227 prohibits a remedial plan from being imposed to resolve a complaint concerning a patient death, the commission of a felony, or a matter in which the physician engaged in inappropriate sexual behavior or contact with a patient or became financially or personally involved with a patient in an inappropriate manner, or in which the appropriate resolution may involve a restriction on the manner in which a license holder practices medicine. The bill prohibits the board from issuing a remedial plan to resolve a complaint against a license holder if the license holder has previously entered into a remedial plan with the board for the resolution of a different complaint against the physician.

S.B. 227 authorizes the board to assess a fee against a license holder participating in a remedial plan in an amount necessary to recover the costs of administering the plan. The bill requires the board to adopt rules necessary to implement the bill's provisions not later than January 1, 2012. The bill establishes that a remedial plan is public information and that, in civil litigation, a remedial plan is a settlement agreement under Texas Rules of Evidence.

EFFECTIVE DATE

September 1, 2011.