

By: Schwertner

H.B. No. 680

Substitute the following for H.B. No. 680:

By: S. Davis of Harris

C.S.H.B. No. 680

A BILL TO BE ENTITLED

1 AN ACT

2 relating to complaints filed with the Texas Medical Board.

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

4 SECTION 1. Section 154.057(b), Occupations Code, is amended
5 to read as follows:

6 (b) The board shall complete a preliminary investigation of
7 the complaint not later than the 45th [~~30th~~] day after the date of
8 receiving the complaint. The board shall first determine whether
9 the physician constitutes a continuing threat to the public
10 welfare. On completion of the preliminary investigation, the board
11 shall determine whether to officially proceed on the complaint. If
12 the board fails to complete the preliminary investigation in the
13 time required by this subsection, the board's official
14 investigation of the complaint is considered to commence on that
15 date.

16 SECTION 2. Section 164.003(b), Occupations Code, is amended
17 to read as follows:

18 (b) Rules adopted under this section must require that:

19 (1) an informal meeting in compliance with Section
20 2001.054, Government Code, be scheduled not later than the 180th
21 day after the date the board's official investigation of the
22 complaint is commenced as provided by Section 154.057(b), unless
23 good cause is shown by the board for scheduling the informal meeting
24 after that date;

1 (2) the board give notice to the license holder of the
2 time and place of the meeting not later than the 45th [~~30th~~] day
3 before the date the meeting is held;

4 (3) the complainant and the license holder be provided
5 an opportunity to be heard;

6 (4) at least one of the board members or district
7 review committee members participating in the informal meeting as a
8 panelist be a member who represents the public;

9 (5) the board's legal counsel or a representative of
10 the attorney general be present to advise the board or the board's
11 staff; and

12 (6) a member of the board's staff be at the meeting to
13 present to the board's representative the facts the staff
14 reasonably believes it could prove by competent evidence or
15 qualified witnesses at a hearing.

16 SECTION 3. Sections 154.057 and 164.003, Occupations Code,
17 as amended by this Act, apply only to the investigation of a
18 complaint filed on or after the effective date of this Act. The
19 investigation of a complaint filed before that date is governed by
20 the law in effect on the date the complaint was filed, and that law
21 is continued in effect for that purpose.

22 SECTION 4. This Act takes effect September 1, 2011.