

By: Schwertner

H.B. No. 680

A BILL TO BE ENTITLED

AN ACT

relating to a physician's response to a complaint filed with the Texas Medical Board.

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

SECTION 1. Sections 154.056(a) and (b), Occupations Code, are amended to read as follows:

(a) The board shall adopt rules concerning the investigation and review of a complaint filed with the board. The rules adopted under this section must:

(1) distinguish among categories of complaints and give priority to complaints that involve sexual misconduct, quality of care, and impaired physician issues;

(2) ensure that a complaint is not dismissed without appropriate consideration;

(3) require that the board be advised of the dismissal of a complaint and that a letter be sent to the person who filed the complaint and to the physician who was the subject of the complaint explaining the action taken on the complaint;

(4) ensure that a person who files a complaint has an opportunity to explain the allegations made in the complaint;

(5) ensure that a physician who is the subject of a complaint has at least 45 days after receiving a copy of the complaint as provided by Section 154.053(a) to prepare and submit a response;

1           (6) prescribe guidelines concerning the categories of  
2 complaints that require the use of a private investigator and the  
3 procedures for the board to obtain the services of a private  
4 investigator;

5           (7) [~~(6)~~] provide for an expert physician panel  
6 authorized under Subsection (e) to assist with complaints and  
7 investigations relating to medical competency; and

8           (8) [~~(7)~~] require the review of reports filed with the  
9 National Practitioner Data Bank for any report of the termination,  
10 limitation, suspension, limitation in scope of practice, or  
11 probation of clinical or hospital staff privileges of a physician  
12 by:

- 13                           (A) a hospital;
- 14                           (B) a health maintenance organization;
- 15                           (C) an independent practice association;
- 16                           (D) an approved nonprofit health corporation
- 17 certified under Section 162.001; or
- 18                           (E) a physician network.

19           (b) The board shall:  
20                   (1) dispose of each complaint in a timely manner; and  
21                   (2) establish a schedule for conducting each phase of  
22 a complaint that is under the control of the board not later than  
23 the 30th day after the date the physician's time for preparing and  
24 submitting a response expires [~~board receives the complaint~~].

25           SECTION 2. This Act takes effect September 1, 2011.