

By: Nelson

S.B. No. 227

A BILL TO BE ENTITLED

AN ACT

relating to the nondisciplinary resolution of certain complaints
filed against physicians.

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

SECTION 1. Subchapter A, Chapter 164, Occupations Code, is
amended by adding Section 164.0015 to read as follows:

Sec. 164.0015. REMEDIAL PLAN. (a) In addition to the
authority under Sections 164.001 and 164.002, the board may issue
and establish the terms of a remedial plan to resolve the
investigation of a complaint relating to this subtitle.

(b) A remedial plan may not contain a provision that:

(1) revokes, suspends, limits, or restricts a person's
license or other authorization to practice medicine; or

(2) assesses an administrative penalty against a
person.

(c) A remedial plan may not be imposed to resolve a
complaint:

(1) concerning:

(A) a patient death;

(B) the commission of a felony; or

(C) 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

1 (2) in which the appropriate resolution may involve a
2 restriction on the manner in which a license holder practices
3 medicine.

4 (d) The board may not issue a remedial plan to resolve a
5 complaint against a license holder if the license holder has
6 previously entered into a remedial plan with the board for the
7 resolution of a different complaint relating to this subtitle.

8 (e) The board may assess a fee against a license holder
9 participating in a remedial plan in an amount necessary to recover
10 the costs of administering this plan.

11 (f) The board shall adopt rules necessary to implement this
12 section.

13 SECTION 2. Sections 164.002(c) and (d), Occupations Code,
14 are amended to read as follows:

15 (c) An agreed disposition is a disciplinary order for
16 purposes of reporting under this subtitle and of administrative
17 hearings and proceedings by state and federal regulatory agencies
18 regarding the practice of medicine. An agreed disposition or a
19 remedial plan under Section 164.0015 is public information.

20 (d) In civil litigation, an agreed disposition or a remedial
21 plan under Section 164.0015 is a settlement agreement under Rule
22 408, Texas Rules of Evidence. This subsection does not apply to a
23 license holder who has previously entered into an agreed
24 disposition with the board of a different disciplinary matter or
25 whose license the board is seeking to revoke.

26 SECTION 3. (a) The Texas Medical Board shall adopt rules
27 under Section 164.0015, Occupations Code, as added by this Act, not

1 later than January 1, 2012.

2 (b) Section 164.0015, Occupations Code, as added by this
3 Act, applies only to a complaint under Subtitle B, Title 3,
4 Occupations Code, filed on or after the effective date of this Act.
5 A complaint under Subtitle B, Title 3, Occupations Code, filed
6 before that date is governed by the law in effect on the date the
7 complaint was filed, and that law is continued in effect for that
8 purpose.

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