

1-1 By: Nelson S.B. No. 227
1-2 (In the Senate - Filed November 18, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 7, 2011, reported favorably by the following vote:
1-5 Yeas 8, Nays 0, 1 present not voting; March 7, 2011, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the nondisciplinary resolution of certain complaints
1-10 filed against physicians.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter A, Chapter 164, Occupations Code, is
1-13 amended by adding Section 164.0015 to read as follows:

1-14 Sec. 164.0015. REMEDIAL PLAN. (a) In addition to the
1-15 authority under Sections 164.001 and 164.002, the board may issue
1-16 and establish the terms of a remedial plan to resolve the
1-17 investigation of a complaint relating to this subtitle.

1-18 (b) A remedial plan may not contain a provision that:

1-19 (1) revokes, suspends, limits, or restricts a person's
1-20 license or other authorization to practice medicine; or

1-21 (2) assesses an administrative penalty against a
1-22 person.

1-23 (c) A remedial plan may not be imposed to resolve a
1-24 complaint:

1-25 (1) concerning:

1-26 (A) a patient death;

1-27 (B) the commission of a felony; or

1-28 (C) a matter in which the physician engaged in
1-29 inappropriate sexual behavior or contact with a patient or became
1-30 financially or personally involved with a patient in an
1-31 inappropriate manner; or

1-32 (2) in which the appropriate resolution may involve a
1-33 restriction on the manner in which a license holder practices
1-34 medicine.

1-35 (d) The board may not issue a remedial plan to resolve a
1-36 complaint against a license holder if the license holder has
1-37 previously entered into a remedial plan with the board for the
1-38 resolution of a different complaint relating to this subtitle.

1-39 (e) The board may assess a fee against a license holder
1-40 participating in a remedial plan in an amount necessary to recover
1-41 the costs of administering the plan.

1-42 (f) The board shall adopt rules necessary to implement this
1-43 section.

1-44 SECTION 2. Subsections (c) and (d), Section 164.002,
1-45 Occupations Code, are amended to read as follows:

1-46 (c) An agreed disposition is a disciplinary order for
1-47 purposes of reporting under this subtitle and of administrative
1-48 hearings and proceedings by state and federal regulatory agencies
1-49 regarding the practice of medicine. An agreed disposition or a
1-50 remedial plan under Section 164.0015 is public information.

1-51 (d) In civil litigation, an agreed disposition or a remedial
1-52 plan under Section 164.0015 is a settlement agreement under Rule
1-53 408, Texas Rules of Evidence. This subsection does not apply to a
1-54 license holder who has previously entered into an agreed
1-55 disposition with the board of a different disciplinary matter or
1-56 whose license the board is seeking to revoke.

1-57 SECTION 3. (a) The Texas Medical Board shall adopt rules
1-58 under Section 164.0015, Occupations Code, as added by this Act, not
1-59 later than January 1, 2012.

1-60 (b) Section 164.0015, Occupations Code, as added by this
1-61 Act, applies only to a complaint under Subtitle B, Title 3,
1-62 Occupations Code, filed on or after the effective date of this Act.
1-63 A complaint under Subtitle B, Title 3, Occupations Code, filed
1-64 before that date is governed by the law in effect on the date the

2-1 complaint was filed, and that law is continued in effect for that
2-2 purpose.

2-3 SECTION 4. This Act takes effect September 1, 2011.

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