

By: Zerwas

H.B. No. 2348

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Texas Medical Board and the regulation of certain persons licensed by the board.

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

SECTION 1. Section 154.053, Occupations Code, is amended by amending Subsection (a) to read as follows:

(a) The board shall notify by personal delivery or certified mail a physician who is the subject of a complaint filed with the board that a complaint has been filed and shall provide the physician with a full copy, without redaction, of the complaint, including a statement of the alleged violation in plain language.

SECTION 2. Section 154.0561, Occupations Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) The board shall deliver a copy of the preliminary and final reports, including any dissenting or minority report, to the physician who is the subject of the review.

(f) The name and medical credentials of each physician who files an expert report shall be provided to the physician who is the subject of review.

Section 3. Texas Medical Board shall adopt the rules required under Sections 156.059 and 301.304, Occupations Code, as added by this Act.

SECTION 4. Not later than November 1, 2013, the Texas Medical Board shall adopt the rules required under Sections 154.053

1 and 154.0561, Occupations Code, as added by this Act.

2 SECTION 5. Not later than January 1, 2014, the Texas Medical
3 Board shall report to the governor, the lieutenant governor, and
4 the speaker of the house of representatives concerning the adoption
5 of rules as required by Sections 154.053 and 154.0561, Occupations
6 Code, as added by this Act.

7 SECTION 6. Sections 154.053 and 154.0561, Occupations Code,
8 as added by this Act, apply only to the investigation of a complaint
9 or a disciplinary action based on a complaint filed on or after the
10 effective date of this Act. The investigation of a complaint or a
11 disciplinary action based on a complaint filed before that date is
12 governed by the law in effect on the date the complaint was filed,
13 and that law is continued in effect for that purpose.

14 SECTION 7. The changes in law made by this Act relating to
15 the Texas Medical Board's complaint procedures apply only to a
16 complaint filed on or after the effective date of this Act. A
17 complaint filed before the effective date of this Act is governed by
18 the law in effect on the date the complaint is filed, and the former
19 law is continued in effect for that purpose.

20 SECTION 8. This Act takes effect September 1, 2013.