

By: Hughes

H.B. No. 3804

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain health organizations certified by the Texas Medical Board; adding provisions subject to a criminal penalty.

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

SECTION 1. Section 162.0021, Occupations Code, is amended to read as follows:

Sec. 162.0021. INTERFERENCE WITH PHYSICIAN'S PROFESSIONAL JUDGMENT PROHIBITED. (a) A health organization certified under Section 162.001(b) may not interfere with, control, or otherwise direct a physician's professional judgment in violation of this subchapter or any other provision of law, including board rules.

(b) A health organization that violates Subsection (a) is subject to the penalties prescribed by Section 162.003, including the revocation of a certification issued under Section 162.001 to that organization.

(c) A physician or chief medical officer who provides professional medical services for a health organization that violates Subsection (a) shall report the violation to the board and the attorney general for investigation.

(d) Any person who is employed by a health organization that violates Subsection (a) and is familiar with a chief medical officer's failure to report the violation as required by Subsection (c) shall report to the board and the attorney general the failure

1 of the chief medical officer to report the violation.

2 (e) A chief medical officer, as a physician licensed by the  
3 board, is accountable to the board for the chief medical officer's  
4 failure to report.

5 SECTION 2. Section 162.0023, Occupations Code, is amended  
6 to read as follows:

7 Sec. 162.0023. DISCIPLINARY ACTION RESTRICTION. (a) A  
8 physician employed by a health organization certified under Section  
9 162.001(b) retains independent medical judgment in providing care  
10 to patients, and the health organization may not discipline the  
11 physician for reasonably advocating for patient care.

12 (b) A health organization that violates Subsection (a) is  
13 subject to the penalties prescribed by Section 162.003, including  
14 the revocation of a certification issued under Section 162.001 to  
15 that organization.

16 (c) A physician or chief medical officer who provides  
17 professional medical services for a health organization that  
18 violates Subsection (a) shall report the violation to the board and  
19 the attorney general for investigation.

20 (d) Any person who is employed by a health organization that  
21 violates Subsection (a) and is familiar with a chief medical  
22 officer's failure to report the violation as required by Subsection  
23 (c) shall report to the board and the attorney general the failure  
24 of the chief medical officer to report the violation.

25 (e) A chief medical officer, as a physician licensed by the  
26 board, is accountable to the board for the chief medical officer's  
27 failure to report.

1           SECTION 3. The changes in law made by this Act to Sections  
2   162.0021 and 162.0023, Occupations Code, apply only to a violation  
3   by a health organization that occurs on or after the effective date  
4   of this Act. A violation that occurs before the effective date of  
5   this Act is governed by the law in effect on the date the violation  
6   occurred, and the former law is continued in effect for that  
7   purpose.

8           SECTION 4. This Act takes effect September 1, 2015.