

By: Darby

H.B. No. 3974

Substitute the following for H.B. No. 3974:

By: Crownover

C.S.H.B. No. 3974

A BILL TO BE ENTITLED

AN ACT

relating to the records of certain disciplinary actions against health care professionals.

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

SECTION 1. Subtitle A, Title 3, Occupations Code, is amended by adding Chapter 116 to read as follows:

CHAPTER 116. DISCIPLINARY RECORD PROVISIONS APPLICABLE TO MULTIPLE HEALTH CARE PROFESSIONALS

Sec. 116.001. DEFINITIONS. In this chapter:

(1) "Health care professional" means an individual issued a license, certificate, registration, title, permit, or other authorization to engage in a health care profession.

(2) "Licensing entity" means a department, commission, board, office, authority, or other agency of the state that regulates activities and persons under this title.

Sec. 116.002. APPLICABILITY. (a) This chapter applies only to licensing entities and health care professionals under Chapters 401, 453, and 454 and Subtitles B, C, D, E, F, J, and K.

(b) This chapter does not limit a licensing entity's authority with regard to records under other law.

Sec. 116.003. HEALTH CARE PROFESSIONAL'S RECORD. (a) A licensing entity shall remove a disciplinary action from a health care professional's record on the licensing entity's public website if:

1 (1) the health care professional applies to the
2 licensing entity for removal;

3 (2) the disciplinary action is the only disciplinary
4 action the health care professional has been the subject of;

5 (3) the disciplinary action was an administrative,
6 clerical, or other minor violation not causing harm to a patient;

7 (4) the disciplinary action did not result in the
8 suspension or revocation of, or the probation of the suspension or
9 revocation of, the health care professional's license;

10 (5) the disciplinary action provides no indication
11 that continued practice by the health care professional may risk
12 harm to a patient; and

13 (6) the disciplinary action occurred at least five
14 years before the date the health care professional applied for
15 removal.

16 (b) The Health Professions Council shall:

17 (1) adopt policies and standards to promote
18 consistency in implementing this chapter; and

19 (2) provide those policies and standards to each
20 licensing entity.

21 (c) Information that is removed from a licensing entity's
22 public website under this section may not be disclosed to a member
23 of the public. The licensing entity may maintain the information in
24 the entity's records and may use the information only for a purpose
25 permitted under other law that does not conflict with this chapter.

26 (d) Each licensing entity by rule shall provide the
27 procedure for a health care professional to apply for the removal of

1 information under this section and may adopt other rules to
2 implement this chapter.

3 SECTION 2. As soon as practicable after the effective date
4 of this Act, the Health Professions Council shall adopt and provide
5 to the appropriate licensing entities the policies and standards
6 necessary to implement Chapter 116, Occupations Code, as added by
7 this Act.

8 SECTION 3. As soon as practicable after the date the Health
9 Professions Council adopts policies and standards under Section
10 116.003(b), Occupations Code, as added by this Act, a licensing
11 entity subject to Chapter 116, Occupations Code, as added by this
12 Act, shall adopt rules necessary to implement Section 116.003,
13 Occupations Code, as added by this Act.

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