

By: Darby

H.B. No. 3974

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of the record 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. 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.

Sec. 116.003. HEALTH CARE PROFESSIONAL'S RECORD. (a) A licensing entity shall expunge a disciplinary action from a medical professional's record with the licensing entity if:

(1) the medical professional applies to the licensing entity for expunction;

(2) the disciplinary action is the only disciplinary

1 action the medical professional has been the subject of;

2 (3) the disciplinary action was an administrative
3 violation not causing harm to a patient; and

4 (4) the disciplinary action occurred at least five
5 years before the date the medical professional applied for
6 expunction.

7 (b) Each licensing entity by rule shall provide the
8 procedure for a medical professional to apply for an expunction
9 under this section.

10 SECTION 2. As soon as practicable after the effective date
11 of this Act, a licensing entity subject to Chapter 116, Occupations
12 Code, as added by this Act, shall adopt rules necessary to implement
13 Section 116.003, Occupations Code, as added by this Act.

14 SECTION 3. This Act takes effect September 1, 2015.