

## **BILL ANALYSIS**

C.S.H.B. 602  
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Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the potential negative consequences of cases involving a complaint against the holder of a license issued by the Texas Medical Board when it is determined that the complaint was baseless, unfounded, or based on insufficient evidence. C.S.H.B. 602 seeks to address these concerns by requiring the board to remove certain online information relating to such cases and, if necessary, to submit a void report to applicable federal entities.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 602 amends the Occupations Code to require the Texas Medical Board (TMB), if the administrative law judge hearing a contested case involving a complaint against the holder of a TMB-issued license determines that the complaint is baseless, unfounded, or based on insufficient evidence, to take the following actions not later than the 10th business day after the date of the judge's order:

- to remove from the TMB website any description of the complaint and any previous TMB order regarding the complaint; and
- if the TMB reported the complaint to a federal entity, including the National Practitioner Data Bank, to submit a void report to the entity.

This requirement is subject to the authority of the TMB to obtain judicial review of the judge's findings and applies only to a complaint for which a disciplinary order or action of the TMB is involved in litigation on the bill's effective date or becomes final on or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 602 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the types of cases to which the requirement applies from a case involving an alleged violation that the judge determines did not occur to a case involving a complaint that the judge determines is baseless, unfounded, or based on insufficient evidence.

The substitute includes a deadline for the TMB to take the required actions.

The substitute expands the entities to whom the TMB is required to submit a report to include any federal entity to whom the TMB reported the complaint and specifies that the type of report required to be submitted is a void report.

The substitute includes a provision making the requirement applicable only to a complaint for which a disciplinary order or action of the TMB is involved in litigation on the bill's effective date or becomes final on or after the bill's effective date.