

By: Zedler, Minjarez

H.B. No. 602

Substitute the following for H.B. No. 602:

By: Thompson of Harris

C.S.H.B. No. 602

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain duties of the Texas Medical Board regarding a  
3 complaint against a license holder.

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

5 SECTION 1. Section 164.007, Occupations Code, is amended by  
6 amending Subsection (a-1) and adding Subsection (a-2) to read as  
7 follows:

8 (a-1) Subject to the board's authority to obtain judicial  
9 review under Subsection (a-2), if the administrative law judge  
10 determines that the complaint that is the subject of the contested  
11 case is baseless, unfounded, or based on insufficient evidence, not  
12 later than the 10th business day after the date of the judge's order  
13 the board shall, as applicable:

14 (1) if the board reported the complaint to a federal  
15 entity, including the National Practitioner Data Bank, submit a  
16 void report to the entity; and

17 (2) remove from the board's Internet website:  
18 (A) any description of the complaint; and  
19 (B) any previous board order regarding the  
20 complaint.

21 (a-2) Notwithstanding Section 2001.058(e), Government  
22 Code, the board may not change a finding of fact or conclusion of  
23 law or vacate or modify an order of the administrative law judge.  
24 The board may obtain judicial review of any finding of fact or

1 conclusion of law issued by the administrative law judge as  
2 provided by Section [2001.058\(f\)\(5\)](#), Government Code. For each  
3 case, the board has the sole authority and discretion to determine  
4 the appropriate action or sanction, and the administrative law  
5 judge may not make any recommendation regarding the appropriate  
6 action or sanction.

7 SECTION 2. The change in law made by this Act applies only  
8 to a complaint for which a disciplinary order or action of the Texas  
9 Medical Board:

10 (1) is involved in litigation on the effective date of  
11 this Act; or

12 (2) becomes final on or after the effective date of  
13 this Act.

14 SECTION 3. This Act takes effect September 1, 2019.