

By: Zedler

H.B. No. 602

A BILL TO BE ENTITLED

AN ACT

relating to certain duties of the Texas Medical Board regarding an alleged violation by a license holder.

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

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

(a-1) Subject to the board's authority to obtain judicial review under Subsection (a-2), if the administrative law judge determines that the alleged violation that is the subject of the contested case did not occur, the board shall, as applicable:

(1) if the board reported the alleged violation to the National Practitioner Data Bank, submit a supplemental report to the data bank stating that the violation did not occur; and

(2) remove from the board's Internet website:

(A) any description of the alleged violation; and

(B) any previous board order regarding the alleged violation.

(a-2) Notwithstanding Section 2001.058(e), Government Code, the board may not change a finding of fact or conclusion of law or vacate or modify an order of the administrative law judge. The board may obtain judicial review of any finding of fact or conclusion of law issued by the administrative law judge as provided by Section 2001.058(f)(5), Government Code. For each

1 case, the board has the sole authority and discretion to determine
2 the appropriate action or sanction, and the administrative law
3 judge may not make any recommendation regarding the appropriate
4 action or sanction.

5 SECTION 2. This Act takes effect September 1, 2019.