

## **BILL ANALYSIS**

C.S.H.B. 2380  
By: Smith  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been reported that, due to the constraints of the COVID-19 pandemic, in-person appearance requirements for informal proceedings relating to disciplinary actions and procedures for licensed physicians created issues with delays in those proceedings. Although many license holders were given the option to participate telephonically or virtually, many declined this option, resulting in the postponement of approximately 175 cases. C.S.H.B. 2380 seeks to address this issue by providing for Texas Medical Board to hold certain informal proceedings by videoconference or teleconference.

### **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. 2380 amends the Occupations Code to authorize the Texas Medical Board (TMB) to do the following:

- hold informal proceedings under statutory provisions relating to disciplinary actions and procedures by videoconference or, if a respondent is unable to participate by videoconference, by telephone conference call; and
- authorize the TMB legal counsel, a TMB staff member, or any other person authorized or required to participate in the informal proceedings to participate by videoconference.

C.S.H.B. 2380 requires the TMB to adopt procedures for holding informal proceedings by videoconference that ensure that each participant is clearly visible and audible while that participant is speaking. The bill authorizes a licensed physician to do the following by videoconference:

- reply to the TMB staff's presentation of the facts; and
- present facts the physician reasonably believes the physician could prove by competent evidence or qualified witnesses at a hearing.

C.S.H.B. 2380 establishes that a licensed physician's appearance at an informal meeting by videoconference as provided by the bill's provisions constitutes personal appearance under statutory provisions relating to compliance with due process requirements with regard to a revocation, suspension, involuntary modification, or other disciplinary action relating to a license.

## **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2380 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 includes the following provisions not contained in the original:

- an authorization for the TMB to authorize the TMB legal counsel, a TMB staff member, or other person authorized or required to participate in informal proceedings to do so by videoconference; and
- a requirement for the TMB to adopt procedures for holding informal proceedings by videoconference.