

By: Johnson of Dallas

H.B. No. 2853

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Medical Disclosure Panel.

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

SECTION 1. Section 74.102, Civil Practice and Remedies Code, is amended by amending Subsections (b), (c), (d), and (h) and adding Subsection (i) to read as follows:

(b) The disclosure panel established herein is administratively attached to the ~~[Texas Department of Health and Human Services Commission]~~ Health and Human Services Commission. The commission ~~[Texas Department of Health]~~, at the request of the disclosure panel, shall provide administrative assistance to the panel; and the commission ~~[Texas Department of Health]~~ and the disclosure panel shall coordinate administrative responsibilities in order to avoid unnecessary duplication of facilities and services. The commission ~~[Texas Department of Health]~~, at the request of the panel, shall submit the panel's budget request to the legislature. The panel shall be subject, except where inconsistent, to the rules and procedures of the commission ~~[Texas Department of Health]~~; however, the duties and responsibilities of the panel as set forth in this chapter shall be exercised solely by the disclosure panel, and the executive commissioner of the commission ~~[board]~~ or the commission ~~[Texas Department of Health]~~ shall have no authority or responsibility with respect to same.

(c) The disclosure panel is composed of 11 ~~[nine]~~ members,

1 with two members representing the public, three members licensed to
2 practice law in this state, at least one of whom regularly
3 represents patients, and six members licensed to practice medicine
4 in this state. Members of the disclosure panel shall be selected by
5 the executive commissioner of the Health and Human Services
6 Commission [~~health~~].

7 (d) At the expiration of the term of each member of the
8 disclosure panel so appointed, the executive commissioner of the
9 Health and Human Services Commission shall select a successor, and
10 such successor shall serve for a term of six years, or until that
11 member's [~~his~~] successor is selected. Any member who is absent for
12 three consecutive meetings without the consent of a majority of the
13 disclosure panel present at each such meeting may be removed by the
14 executive commissioner at the request of the disclosure panel
15 submitted in writing and signed by the chairman. Upon the death,
16 resignation, or removal of any member, the executive commissioner
17 shall fill the vacancy by selection for the unexpired portion of the
18 term.

19 (h) Employees of the [~~Texas Department of~~] Health and Human
20 Services Commission shall serve as the staff for the panel.

21 (i) When appointing panel members representing the public,
22 the executive commissioner of the Health and Human Services
23 Commission may not appoint a registered lobbyist, a health care
24 provider or the spouse of a health care provider, or a person who
25 works in any health care related field, including health insurance.
26 The executive commissioner shall give preference to persons with
27 experience in advocating for the public interest.

1 SECTION 2. Not later than January 1, 2022, the executive
2 commissioner of the Health and Human Services Commission shall
3 appoint new members to the Texas Medical Disclosure Panel in
4 accordance with Section [74.102](#), Civil Practice and Remedies Code,
5 as amended by this Act.

6 SECTION 3. This Act takes effect September 1, 2021.