

By: Cook

H.B. No. 3559

A BILL TO BE ENTITLED

AN ACT

relating to certain duties of the Texas Medical Board regarding a complaint against 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 Section 164.0072, if the administrative law judge determines that the complaint that is the subject of the contested case is baseless, unfounded, or based on insufficient evidence, not later than the 10th business day after the date of the judge's order the board shall, as applicable:

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

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

(A) any description of the complaint; and

(B) any previous board order regarding the complaint.

(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. For each case, the board has the sole authority and discretion to

1 determine the appropriate action or sanction. The administrative  
2 law judge may not make any recommendation regarding the appropriate  
3 action or sanction.

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

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

9 (2) becomes final on or after the effective date of  
10 this Act.

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