

1-1 By: Johnson of Dallas, Bryant, Leach H.B. No. 148
 1-2 (Senate Sponsor - Johnson)
 1-3 (In the Senate - Received from the House May 3, 2023;
 1-4 May 5, 2023, read first time and referred to Committee on Health &
 1-5 Human Services; May 19, 2023, reported favorably by the following
 1-6 vote: Yeas 8, Nays 0; May 19, 2023, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | | | X | |
| 1-16 | X | | | |
| 1-17 | X | | | |

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the Texas Medical Disclosure Panel.
 1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Section 74.102, Civil Practice and Remedies
 1-23 Code, is amended by amending Subsections (b), (c), (d), and (h) and
 1-24 adding Subsection (i) to read as follows:
 1-25 (b) The disclosure panel established herein is
 1-26 administratively attached to the [~~Texas Department of~~] Health and
 1-27 Human Services Commission. The commission [~~Texas Department of~~
 1-28 ~~Health~~], at the request of the disclosure panel, shall provide
 1-29 administrative assistance to the panel; and the commission [~~Texas~~
 1-30 ~~Department of Health~~] and the disclosure panel shall coordinate
 1-31 administrative responsibilities in order to avoid unnecessary
 1-32 duplication of facilities and services. The commission [~~Texas~~
 1-33 ~~Department of Health~~], at the request of the panel, shall submit the
 1-34 panel's budget request to the legislature. The panel shall be
 1-35 subject, except where inconsistent, to the rules and procedures of
 1-36 the commission [~~Texas Department of Health~~]; however, the duties
 1-37 and responsibilities of the panel as set forth in this chapter shall
 1-38 be exercised solely by the disclosure panel, and the executive
 1-39 commissioner of the commission [~~board~~] or the commission [~~Texas~~
 1-40 ~~Department of Health~~] shall have no authority or responsibility
 1-41 with respect to same.
 1-42 (c) The disclosure panel is composed of 11 [~~nine~~] members,
 1-43 with two members representing the public, at least one of whom has a
 1-44 background in health literacy, three members licensed to practice
 1-45 law in this state, at least one of whom is board certified in
 1-46 personal injury trial law by the Texas Board of Legal
 1-47 Specialization and at least one of whom is board certified in health
 1-48 law by the Texas Board of Legal Specialization, and six members
 1-49 licensed to practice medicine in this state. Members of the
 1-50 disclosure panel shall be selected by the executive commissioner of
 1-51 the Health and Human Services Commission [~~health~~].
 1-52 (d) At the expiration of the term of each member of the
 1-53 disclosure panel so appointed, the executive commissioner of the
 1-54 Health and Human Services Commission shall select a successor, and
 1-55 such successor shall serve for a term of six years, or until that
 1-56 member's [~~his~~] successor is selected. Any member who is absent for
 1-57 three consecutive meetings without the consent of a majority of the
 1-58 disclosure panel present at each such meeting may be removed by the
 1-59 executive commissioner at the request of the disclosure panel
 1-60 submitted in writing and signed by the chairman. Upon the death,
 1-61 resignation, or removal of any member, the executive commissioner

2-1 shall fill the vacancy by selection for the unexpired portion of the
2-2 term.

2-3 (h) Employees of the [~~Texas Department of~~] Health and Human
2-4 Services Commission shall serve as the staff for the panel.

2-5 (i) When appointing panel members representing the public,
2-6 the executive commissioner of the Health and Human Services
2-7 Commission may not appoint a registered lobbyist, a health care
2-8 provider or the spouse of a health care provider, or a person who
2-9 works in any health care-related field, including health insurance.
2-10 The executive commissioner shall give preference to persons with
2-11 experience in advocating for the public interest.

2-12 SECTION 2. The heading to Section 74.103, Civil Practice
2-13 and Remedies Code, is amended to read as follows:

2-14 Sec. 74.103. DUTIES OF DISCLOSURE PANEL; LIMITATIONS ON
2-15 AUTHORITY.

2-16 SECTION 3. Section 74.103, Civil Practice and Remedies
2-17 Code, is amended by adding Subsection (e) to read as follows:

2-18 (e) The panel is not authorized to take any action that may
2-19 be interpreted as changing the scope of practice authority of any
2-20 physician or health care provider.

2-21 SECTION 4. Not later than January 1, 2024, the executive
2-22 commissioner of the Health and Human Services Commission shall
2-23 appoint new members to the Texas Medical Disclosure Panel in
2-24 accordance with Section 74.102, Civil Practice and Remedies Code,
2-25 as amended by this Act.

2-26 SECTION 5. This Act takes effect September 1, 2023.

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