

By: Hall

S.B. No. 513

A BILL TO BE ENTITLED

AN ACT

relating to the verification of the accuracy of an application for a license to practice medicine in this state.

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

SECTION 1. Subchapter B, Chapter 152, Occupations Code, is amended by adding Section 152.060 to read as follows:

Sec. 152.060. CIVIL LIABILITY OF EXECUTIVE DIRECTOR FOR FAILURE TO VERIFY APPLICATION INFORMATION. (a) The executive director is liable to a claimant, including a decedent's estate, who has been harmed by a physician who holds a license to practice medicine in this state if:

(1) the executive director failed to verify that the physician was eligible for the license as required by Section 155.007(a-1);

(2) verifying the eligibility of the physician would have revealed that the physician was ineligible for the license for a reason described by Section 155.003(e);

(3) the conduct that caused the harm by the physician in this state:

(A) constitutes grounds for a health care liability claim under Chapter 74, Civil Practice and Remedies Code; and

(B) involved the same type of conduct for which the physician was ineligible for the license;

1 (4) the failure to verify demonstrated gross
2 negligence or intentional misconduct; and

3 (5) as a result of the failure to verify, the physician
4 was issued the license.

5 (b) A claimant may recover economic damages as defined by
6 Section 41.001, Civil Practice and Remedies Code, and court costs
7 in an action brought under this section.

8 (c) The executive director may not assert official immunity
9 or other forms of immunity as a defense in an action described by
10 Subsection (a).

11 SECTION 2. Section 155.007, Occupations Code, is amended by
12 adding Subsection (a-1) to read as follows:

13 (a-1) The executive director shall, before making a
14 determination of eligibility for purposes of Subsection (a),
15 verify that the applicant is not ineligible for the license by:

16 (1) reviewing the report by the National Practitioner
17 Data Bank or Healthcare Integrity and Protection Data Bank
18 regarding the disciplinary history of the applicant;

19 (2) for an applicant who holds or previously held a
20 medical license in another state, obtaining verification from the
21 licensing authority in that state that the applicant has not been
22 subject to an investigation, restriction, suspension, revocation,
23 or other disciplinary action by the licensing authority; and

24 (3) taking any other actions necessary to verify the
25 accuracy of the information contained in the application.

26 SECTION 3. (a) Section 152.060, Occupations Code, as added
27 by this Act, applies only to a cause of action that accrues on or

1 after the effective date of this Act.

2 (b) Section 155.007(a-1), Occupations Code, as added by
3 this Act, applies only to an application for a license under
4 Subtitle B, Title 3, Occupations Code, that is submitted on or after
5 the effective date of this Act.

6 SECTION 4. This Act takes effect September 1, 2023.