

BILL ANALYSIS

S.B. 268
By: Perry
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Health care practitioners, such as nurses, chiropractors, optometrists, and dentists, are generally regulated by their respective licensing boards. However, under the current Occupations Code, health care practitioners may be subject to oversight and disciplinary action by health care licensing boards other than their own. The bill sponsor has informed the committee that the Texas Chiropractic Association has concerns regarding a case where a complaint against one of their providers was filed with the Texas Medical Board (TMB) and investigated despite being outside the TMB's scope of practice and that, although no disciplinary action was taken, this investigation raises concerns about practitioners being disciplined by a licensing board that does not fully understand their practice and profession. Additionally, the bill sponsor has informed the committee that this investigation took months to complete and that this used taxpayer resources on a case that could have been more efficiently evaluated by the appropriate licensing authority. S.B. 268 seeks to streamline the complaint process for health care practitioners by requiring a state licensing entity for a health care profession that receives a complaint concerning a health care practitioner who holds a license issued by a different licensing entity to promptly forward a copy of the complaint to that licensing entity.

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

S.B. 268 amends the Occupations Code to require a state licensing entity for a health care profession that receives a complaint concerning a health care practitioner who holds a license issued by a different licensing entity to promptly forward a copy of the complaint to that licensing entity. The bill prohibits an applicable licensing entity from taking disciplinary action based on a complaint against a health care practitioner who holds a license issued by a different licensing entity unless that licensing entity refers the complaint back to the licensing entity that received the complaint for investigation and resolution. The bill expressly does not preclude a licensing entity from taking disciplinary action against a health care practitioner licensed by that entity.

S.B. 268 applies only to a complaint filed against a health care practitioner on or after the bill's effective date. A complaint filed before the bill's effective date is governed by the law in effect on the date the complaint was filed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.