By: Miles S.B. No. 341

A BILL TO BE ENTITLED

AN ACT

relating to certain health care entities and medical committees, including peer review committees.

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

SECTION 1. Section 161.031(a), Health and Safety Code, is amended to read as follows:

(a) In this subchapter, "medical committee" includes any committee, including a joint committee, of:

(1) a hospital;

(1-a) a health care system;

(2) a medical organization;

(3) a university medical school or health science center;

(4) a health maintenance organization operating [~~licensed~~] under Chapter 843, Insurance Code, including an independent practice association or other physician association whose committee or joint committee is a condition of contract with the health maintenance organization;

(5) an extended care facility;

(6) a hospital district; or

(7) a hospital authority.

SECTION 2. Section 161.0315(a), Health and Safety Code, is amended to read as follows:

(a) The governing body of a hospital, health care system,

medical organization, university medical school or health science center, health maintenance organization, extended care facility, hospital district, or hospital authority may form a medical peer review committee, as defined by Section 151.002, Occupations Code, or a medical committee, as defined by Section 161.031, to evaluate medical and health care services, except as provided by this section.

SECTION 3. Section 161.032(f), Health and Safety Code, is amended to read as follows:

(f) This section and Subchapter A, Chapter 160, Occupations Code, do not apply to records made or maintained in the regular course of business by a hospital, health care system, health maintenance organization, medical organization, university medical center or health science center, hospital district, hospital authority, or extended care facility.

SECTION 4. Sections 151.002(a)(5) and (8), Occupations Code, are amended to read as follows:

(5) "Health care entity" means:

(A) a hospital licensed under Chapter 241 or 577, Health and Safety Code;

(B) an entity, including a health maintenance organization, group medical practice, nursing home, health science center, university medical school, hospital district, hospital authority, health care system, or other health care facility, that:

(i) provides or pays for medical care or health care services; and

(ii) follows a formal peer review process

to further quality medical care or health care;

(C) a professional society or association of physicians, or a committee of such a society or association, that follows a formal peer review process to further quality medical care or health care;

(D) an organization established by a professional society or association of physicians, hospitals, or both, that:

(i) collects and verifies the authenticity of documents and other information concerning the qualifications, competence, or performance of licensed health care professionals; and

(ii) acts as a health care facility's agent under the Health Care Quality Improvement Act of 1986 (42 U.S.C. Section 11101 et seq.); or

(E) a health care collaborative certified under Chapter 848, Insurance Code.

(8) "Medical peer review committee" or "professional review body" means a committee of a health care entity, the governing board of a health care entity, or the medical staff of a health care entity, that operates under written bylaws approved by the policy-making body or the governing board of the health care entity and is authorized to evaluate the quality of medical and health care services or the competence of physicians, including evaluation of the performance of those functions specified by Section 85.204, Health and Safety Code. The term includes:

(A) an employee or agent of the committee,

including an assistant, investigator, intervenor, attorney, and any other person or organization that serves the committee; and

(B) the governing body of a hospital, health care system, public hospital owned or operated by a governmental entity, [~~the governing body of a~~] hospital authority created under Chapter 262 or 264, Health and Safety Code, and [~~the governing body of a~~] hospital district created under Article IX, Texas Constitution, but only:

(i) in relation to the governing body's evaluation of the competence of a physician or the quality of medical and health care services provided by the hospital, health care system, public hospital, hospital authority, or hospital district; and

(ii) to the extent that the evaluation under Subparagraph (i) involves discussions or records that specifically or necessarily identify an individual patient or physician.

SECTION 5. This Act takes effect September 1, 2027.