

## **BILL ANALYSIS**

Senate Research Center  
83R10011 T

S.B. 1193  
By: Campbell  
Jurisprudence  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the names of complainants and copies of the original complaint against a physician filed at the Texas Medical Board (TMB) are kept confidential from the doctor under review throughout the entire complaint process unless the complainant waives confidentiality. There are multiple steps through the TMB process, including a review of the complaint by at least two but possibly three medical experts. Those reports are also kept confidential from the physician under review throughout the entire complaint process. This process, if followed to its ultimate conclusion, can result in the removal of a physician's license. This denies a physician basic tenets of due process.

This bill grants a physician a right to a copy of the original complaint, without redaction, as well as copies of all medical reports, including the names and medical credentials of each physician who files an expert report.

As proposed, S.B. 1193 amends current law relating to the powers and duties of the Texas Medical Board and the regulation of certain persons licensed by the board.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Medical Board in SECTION 3 and SECTION 4 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 154.053, Occupations Code, by amending Subsection (a) to require the Texas Medical Board (TMB) to notify by personal delivery or certified mail a physician who is the subject of a complaint filed with TMB that a complaint has been filed and requires TMB to provide the physician with a full copy, without redaction, of the complaint, including a statement of the alleged violation in plain language.

SECTION 2. Amends Section 154.0561, Occupations Code, by adding Subsections (e) and (f), as follows:

(e) Requires TMB to deliver a copy of the preliminary and final reports, including any dissenting or minority report, to the physician who is the subject of the review.

(f) Requires the name and medical credentials of each physician who files an expert report to be provided to the physician who is the subject of review.

SECTION 3. Requires TMB to adopt the rules required under Sections 156.059 and 301.304, Occupations Code, as added by this Act [sic].

SECTION 4. Requires TMB, not later than November 1, 2013, to adopt the rules required under Sections 154.053 and 154.0561, Occupations Code, as added by this Act [sic].

SECTION 5. Requires TMB, not later than January 1, 2014, to report to the governor, the lieutenant governor, and the speaker of the house of representatives concerning the adoption of

rules as required by Sections 154.053 and 154.0561, Occupations Code, as added by this Act [sic].

SECTION 6. Provides that Sections 154.053 and 154.0561, Occupations Code, as added by this Act, apply only to the investigation of a complaint or a disciplinary action based on a complaint filed on or after the effective date of this Act. Provides that the investigation of a complaint or a disciplinary action based on a complaint filed before that date is governed by the law in effect on the date the complaint was filed, and that law is continued in effect for that purpose.

SECTION 7. Makes application of the change in law made by this Act prospective.

SECTION 8. Effective date: September 1, 2013.