

BILL ANALYSIS

Senate Research Center

H.B. 561
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Health & Human Services
5-12-97
Engrossed

DIGEST

Currently, no general statute exists that allows health regulatory agencies to share information concerning an ongoing investigation with another agency, unless the agency is conducting a criminal investigation. When a violation occurs and a regulatory agency commences an investigation, the agency cannot report to another agency any information concerning violations of a rule or statute enforced by another agency. This lack of communication leads to duplicative investigations or non-enforcement of penalties against those who violate the rules or statutes of an agency not directly involved in the investigation. This bill would allow for the exchange of information between health care regulatory agencies.

PURPOSE

As proposed, H.B. 561 allows for the exchange of certain information between health care regulatory agencies.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 7, Government Code, by adding Chapter 774, as follows:

CHAPTER 774. EXCHANGE OF INFORMATION BETWEEN REGULATORY AGENCIES

Sec. 774.001. DEFINITIONS. Defines "health care provider," "health care regulatory agency," "license," and "regulatory agency."

Sec. 774.002. DUTY TO EXCHANGE INFORMATION. (a) Requires a health care regulatory agency that, in the course of an audit, review, investigation, or examination of a complaint, obtains information pertaining to the complaint that it believes may be grounds for another health care regulatory agency to conduct an investigation of or institute a disciplinary proceeding against a health care provider to forward the information and any subsequently obtained information or final determination regarding the health care provider to the other health care regulatory agency.

(b) Provides that information that may be grounds for investigative or disciplinary action by another health care regulatory agency includes information that relates to a violation of a rule or statute enforced by the other health care regulatory agency; or that, in the good faith belief of the agency obtaining the information, is likely to lead to the discovery of a violation of a rule or statute enforced by the other health care regulatory agency.

(c) Provides that the information forwarded by a health care regulatory agency under this section that is privileged or confidential retains its privileged or confidential nature following the receipt by another health care regulatory agency. Provides that the privilege or confidentiality extends to any agency communication concerning the information forwarded, regardless of the form, manner, or content of the communication.

(d) Provides that the forwarding of privileged or confidential information by a health care regulatory agency does not waive a privilege in or create an exception to the confidentiality of the information.

(e) Provides that an agency's provision of information or failure to provide information under this section does not give rise to a cause of action against the agency.

Sec. 774.003. PROCEDURE FOR EXCHANGE OF INFORMATION. (a) Requires a health care regulatory agency to establish and implement written procedures to ensure that information obtained that is required to be forwarded under Section 774.002 is forwarded to the appropriate health care regulatory agency no later than the 15th day after the date the agency determines that the information is information that it believes may be grounds for another health care regulatory agency to conduct an investigation of or institute a disciplinary proceeding against a health care provider under Section 774.002.

(b) Requires a procedure adopted under this section to provide that the executive head of a health care regulatory agency or the executive head's designee may forward information under this section only to the executive head or the designee of the appropriate health care regulatory agency.

(c) Defines "executive head."

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.