

BILL ANALYSIS

Senate Research Center

H.B. 110
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Health Services
5/12/1999
Committee Report (Amended)

DIGEST

Currently, a person may choose a doctor without knowing the doctor's education, hospital privileges, or nationally recognized specialty certification. Moreover, the person may not be aware of the doctor's past criminal record or paid malpractice claims. This information may be useful to consumers in choosing a doctor. H.B. 110 would require public access to certain information regarding medical practitioners.

PURPOSE

As proposed, H.B. 110 requires public access to certain information regarding medical practitioners.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas State Board of Medical Examiners in SECTION 2 (Sec. 5.12(g) and (h), Article 4495b, V.T.C.S. (Medical Practice Act)) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 4495b, V.T.C.S. (Medical Practice Act), to require certain clerks of a court to forward to the Department of Public Safety information regarding any offense committed by a licensed physician that constitutes a Class A or Class B misdemeanor and certain Class C misdemeanors, to be included in a computerized criminal history system.

SECTION 2. Amends Article 4495b, V.T.C.S., (Medical Practice Act), by adding Section 5.12, as follows:

Sec. 5.12. PHYSICIAN PROFILES. Requires the Texas State Board of Medical Examiners (board) to create a profile of each physician licensed under the Medical Practice Act, and to compile them in a format which the board can make available to the public. Sets forth information that must be contained in the profile. Requires the information in the profile to be obtained from the physician if the information cannot be obtained from the board, at the time the physician renews his or her license. Requires the board to inform the physician about the mandatory guidelines regarding the information, including compliance and public access. Establishes that this section neither prevents the board to provide explanatory information regarding malpractice settlements nor requires the board to disclose confidential settlement information. Prohibits certain pending matters regarding a malpractice claim from being disclosed to the public. Requires the board to provide an individual physician with a copy of the physician's profile upon request at the renewal of the physician's license. Requires the board to update the information annually, and to adopt a form, available on the Internet, that allows a physician to update that information. Requires the board to adopt rules to prescribe the form, the type and content of additional information that may be included in the profile, and other rules necessary to implement this section.

SECTION 3. Requires certain state medical agencies to provide a cost estimate, including methodology, regarding the establishment and administration of a profile program for persons licensed or regulated by the agency similar to the program established by the board under Section 5.12, Article 4495b, V.T.C.S. Requires the agencies to provide the estimates by January 1, 2000, the results of the study to the presiding officer of each house of the 77th Legislature, Regular Session 2001.

SECTION 4. (a) Effective date: September 1, 1999.

(b) Makes application of this Act prospective.

(c) Requires the board to adopt the rules by April 1, 2000, and to make the physician profiles available to the public by September 1, 2001.

(d) Requires the board to raise fees prescribed by the board in an amount not to exceed \$20 for each fiscal year in the 2000-2001 biennium and not to exceed \$10 for each fiscal year in the 20002-2003 biennium. Requires the board to reduce any raised fees by a certain date, to the extent the increase in fee amounts was necessary to cover the initial costs incurred by the board in establishing a physician profile system.

SECTION 5. Emergency clause.