

## **BILL ANALYSIS**

Senate Research Center

H.B. 3152  
By: Capelo (Brown, J. E. "Buster")  
Health & Human Services  
5/11/2001  
Engrossed

### **DIGEST AND PURPOSE**

Under current law, hospitals are required to provide procedural due process to certain medical practitioners when considering applications for medical staff membership and privileges or the renewal, modification, or revocation of medical staff membership and privileges. Medical practitioners have no recourse if a hospital does not adhere to this rule of law. H.B. 3152 establishes provisions for alternative dispute resolution for a physician, podiatrist, or dentist relating to a physician's, podiatrist's, or dentist's medical staff membership or privileges.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

H.B. 3152 amends the Health and Safety Code to authorize a physician, podiatrist, or dentist (medical professional) to request that the hospital participate in alternative dispute resolution procedures or binding arbitration if:

- the medical professional has been affected by professional review action that adversely affects the medical staff membership or privileges of the medical professional for a period longer than 30 days and the medical professional believes the action has been taken without due process; or
- the hospital's credentials committee has failed to take action on a completed application for medical staff membership or privileges.

If the hospital does not agree to participate in alternative dispute resolution procedures or the affected medical professional requests binding arbitration, the bill requires the hospital to participate in binding arbitration. If the hospital does not agree to participate in alternative dispute resolution procedures, or the medical professional requests binding arbitration, the hospital is required to participate in binding arbitration. A request for alternative dispute resolution is not a prerequisite for binding arbitration.

Effective date: upon passage or September 1, 2001.