

## **BILL ANALYSIS**

Senate Research Center  
77R10319 JMM-F

H.B. 3600  
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Health & Human Services  
5/9/2001  
Engrossed

### **DIGEST AND PURPOSE**

Once a physician is determined to have violated the Medical Practice Act, the physician may be placed under restrictions and requirements by order of the Texas State Board of Medical Examiners (board). These requirements and restrictions provide guidelines that protect the public but also allow the physician to improve his or her performance. The physician is monitored by a board investigator to ensure that the physician is complying with the terms of the board's order. The monitoring process may also involve a review by another physician. All reports filed by the investigator or the monitoring physician along with drug and alcohol screenings are maintained by the board in a compliance file. Current law does not specifically state that a compliance file must be kept confidential. H.B. 3600 specifies that information related to compliance monitoring of physicians is confidential.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 160.006(a), Occupations Code, to provide that a record, report, or other information received and maintained by the Texas State Board of Medical Examiners (board) under this subchapter or Subchapter B, including any material received or developed by the board for compliance monitoring, is confidential.

SECTION 2. Amends Section 164.007(c), Occupations Code, to provide that a compliance file in the possession of or received or gathered by the board or its employees or agents relating to a license holder, an application for license, or a criminal investigation or proceeding is privileged and confidential and is not subject to discovery, subpoena, or other means of legal compulsion for release to anyone other than the board or its employees or agents involved in discipline of a license holder.

SECTION 3. Effective date: upon passage or September 1, 2001.