

## **BILL ANALYSIS**

Senate Research Center  
77R14128 JMM-F

C.S.H.B. 3600  
By: Capelo (Cain)  
Health & Human Services  
5/10/2001  
Committee Report (Substituted)

### **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. C.S.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 during an investigation or hearing and the identity of, and reports made by, a physician performing or supervising compliance monitoring for the board, is confidential.

SECTION 2. Amends Section 164.007(c), Occupations Code, to provide, for the purposes of this subsection, that investigative information includes information relating to the identity of, and a report made by, a physician performing or supervising compliance monitoring for the board.

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

### **SUMMARY OF COMMITTEE CHANGES**

Amends Engrossed H.B. 3600 by adding proposed text relating to the confidentiality of certain information. Removes proposed text relating to a compliance file and adds proposed text relating to investigative information.