

BILL ANALYSIS

Senate Research Center
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S.B. 1301
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Health & Human Services
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DIGEST AND PURPOSE

Currently, language in the Medical Practice Act does not specifically provide that certain information maintained by the State Board of Medical Examiners (board) relating to compliance with an order placed on a physician is confidential. The lack of legal protection for compliance files has resulted in fewer physicians willing to serve as monitoring physicians, without which the board is limited in its ability to work with physicians who need improvement. As proposed, S.B. 1301 provides legal protection to compliance files by specifically stating that such files are 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 State Board of Medical Examiners (board) under this subchapter or Subchapter B, including any material received or developed by the board during a compliance monitoring, is confidential.

SECTION 2. Amends Section 164.007(c), Occupations Code, to provide that each compliance file in the possession of or received or gathered by the board or its employees or agents relating to a license holder, and application for a 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, 201.