

## **BILL ANALYSIS**

Senate Research Center  
77R7907 DAK-D

S.B. 1587  
By: Moncrief  
Administration  
3/29/2001  
As Filed

### **DIGEST AND PURPOSE**

Disputes over health care professionals' scope of practice are generated by the crossover of services and may develop from an attempt to increase access to health care by expanding the practice of particular health care professionals. The high level of complexity and specialized knowledge make scope of practice disputes among the most contentious and time-consuming issues that the legislature addresses. In addition to the complexity of the debates, the brevity of the biannual legislative session compounds legislators' difficulty in navigating through these issues. As proposed, S.B. 1587 outlines a process in which health care practitioners participate in alternative dispute resolution proceedings regarding health care profession draft legislation.

### **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 Title 7, Civil Practice and Remedies Code, by adding Chapter 156, as follows:

#### **CHAPTER 156. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES FOR HEALTH CARE PROFESSION DRAFT LEGISLATION**

Sec. 156.001. DEFINITIONS. Defines "health care profession draft legislation," "health care professional group," and "mediator."

Sec. 156.002. HEALTH CARE PROFESSIONS. Sets forth a list of health care professions to which this chapter applies.

Sec. 156.003. DISPUTE RESOLUTION PROCEEDING. Authorizes a health care professional group that seeks the enactment of health care profession draft legislation to conduct a dispute resolution proceeding in the manner provided by this chapter relating to the draft legislation.

Sec. 156.004. POSTPONEMENT OF CONSIDERATION. Authorizes the chair of any committee of the senate or house of representatives to require that the committee postpone consideration of health care profession draft legislation until after an alternative dispute resolution proceeding relating to the draft legislation is conducted in the manner provided by this chapter.

Sec. 156.005. CHOICE OF ALTERNATIVE DISPUTE RESOLUTION PROCEEDING. Authorizes a health care professional group that seeks the enactment of health care profession draft legislation to choose any appropriate alternative dispute resolution procedure, including a procedure described under Chapter 154B or mediation by the Center for Public Policy Dispute Resolution at The University of Texas School of Law.

Sec. 156.006. PARTIES TO THE ALTERNATIVE DISPUTE RESOLUTION PROCEEDING. Provides that the parties to the alternative dispute resolution proceeding are the health care professional group that seeks the enactment of health care profession draft legislation, any other health care professional group that would be affected by the enactment of the health care profession draft legislation and that chooses to participate as a party, and certain individuals.

Sec. 156.007. COST OF PROCEEDING. Requires the health care professional group that seeks the enactment of health care profession draft legislation to pay the costs of the mediator. Requires a party to pay for any costs it incurs in preparing for and participating in the alternative dispute resolution proceeding, including costs for experts.

Sec. 156.008. INVOLVEMENT OF ALL AFFECTED HEALTH CARE PROFESSIONS. Requires the mediator to assure that all health care professional groups of the health care professions affected by the health care profession draft legislation that is the subject of the alternative dispute resolution proceeding have been notified of and invited to participate in the proceeding.

Sec. 156.009. ISSUES FOR RESOLUTION. Requires the alternative dispute resolution proceeding to consider, in relation to the health care profession draft legislation, certain issues.

Sec. 156.010. REPORT ON COMPLETION OF ALTERNATIVE DISPUTE RESOLUTION PROCEEDING. Requires the mediator, after the conclusion of the alternative dispute resolution proceeding, to prepare a report that is required to contain certain information and sent to certain individuals.

Sec. 156.011. STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) Authorizes certain individuals, on or after the 60th day after the date the mediator sends its report under Section 156.010, to request that the State Office of Administrative Hearings conduct a hearing or an alternative dispute resolution procedure relating to the health care profession draft legislation that is the subject of the report.

(b) Requires the person making the request, in consultation with the State Office of Administrative Hearings and the parties to the original alternative dispute resolution procedure, to determine the nature of the proceeding that the office will conduct.

(c) Requires the hearing or alternative dispute resolution proceeding to consider, in relation to the health care profession draft legislation, the issues under Section 156.009.

(d) Requires the mediator to prepare and submit a report in the same manner as provided by Section 156.010.

(e) Requires a party to the hearing or alternative dispute resolution to pay for any costs it incurs in preparing for and participating in the hearing or alternative dispute resolution proceeding, including costs for experts.

SECTION 2. Effective date: September 1, 2001.

(b) Provides that this Act applies to a proposal for legislation to change or clarify the permissible scope of practice of a health care profession to which Chapter 156, Civil Practice and Remedies Code, as added by this Act, applies without regard to whether the proposal has previously been considered in any manner by the legislature.

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