

## **BILL ANALYSIS**

Senate Research Center

H.B. 2985  
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Health & Human Services  
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Engrossed

### **DIGEST AND PURPOSE**

There is a growing concern that the public has limited knowledge about navigating the complaint and appeals processes at various state health licensing boards. Newspaper articles in the past year have highlighted the need for public assistance when pursuing a complaint at a health licensing board.

An interim study on disciplinary actions taken by these boards was undertaken by the House Committee on Public Health. Additionally, members of the House Appropriations Committee and the Senate Finance Committee have expressed a growing interest in ensuring that members of the public have assistance when filing a complaint with a health licensing board.

H.B. 2895 establishes the office of patient protection within the Health Professions Council. The mission of the office is to provide the public with assistance and information regarding healthcare complaint processes.

### **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 Chapter 101, Occupations Code, by adding Subchapter G, as follows:

#### **SUBCHAPTER G. OFFICE OF PATIENT PROTECTION**

Sec. 101.301. GENERAL PROVISIONS. (a) Defines “consumers as a class,” “licensing agency,” and “office.”

(b) Requires the Health Professions Council (council) to establish an office of patient protection (office) within the council to represent the interests of consumers in matters before licensing agencies.

Sec. 101.302. EXECUTIVE COMMITTEE; DIRECTOR. (a) Requires the governor to appoint an executive committee consisting of at least three members who are public members of the governing bodies of licensing agencies. Requires the executive committee to appoint a director for the office. Requires the director to be responsible for administering the provisions of this subchapter.

(b) Prohibits the director from being a certain individual.

Sec. 101.303. ADMINISTRATIVE ATTACHMENT TO COUNCIL; REIMBURSEMENT. Provides that the office is located in the council but may not interfere with the other duties of the council. Requires the office to reimburse the council from fees received by the office under Section 101.307 for administrative costs incurred by the council in providing administrative support for the office.

Sec. 101.304. PUBLIC INFORMATION PROVIDED BY OFFICE; STANDARD

COMPLAINT FORM. (a) Requires the office to provide to the public information about the complaint process at each licensing agency.

(b) Requires the office to conduct a public awareness campaign to increase awareness of the telephone complaint system under Subchapter B.

(c) Provides that through the use of the Internet and other information and communications media, the office must provide information to the public in easily understood language regarding the complaint procedures and sanctions processes used by the licensing agencies.

(d) Requires the office, in cooperation with the licensing agencies, to adopt a standard complaint form that may be used by a member of the public to file a complaint with a licensing agency. Requires each licensing agency to accept the form adopted under this section in addition to any other form required by the agency.

Sec. 101.305. POWERS AND DUTIES OF OFFICE. (a) Requires the office to perform certain tasks.

(b) Authorizes the office to perform certain tasks.

(c) Prohibits the office from appealing an individual complainant's case before any agency.

(d) Provides that the office is entitled to access to certain information.

(e) Provides that the confidentiality requirements that apply to the records of a licensing agency and the sanctions for disclosure of confidential information apply to the office and to information obtained by the office under Subsection (d).

Sec. 101.306. MONITORING OF AGENCIES. (a) Requires the office to review and evaluate rules proposed for adoption by the licensing agencies and changes made to the statutes that govern the operation of the agencies and the professions regulated by the agencies.

(b) Authorizes the office to report to the legislature and recommend to licensing agencies changes in agency rules that, in the office's judgment, would positively affect the interests of consumers.

(c) Requires the office to recommend changes to the statutes described by Subsection (a) to the Sunset Advisory Commission during the commission's review of the relevant licensing agency.

Sec. 101.307. FUNDING OF OFFICE. (a) Provides that to provide funding sufficient for the office to exercise the powers and duties prescribed by this subchapter the initial licensing or registration fee charged by each licensing agency is increased by \$5 and the renewal fee charged by each licensing agency is increased by \$1 for each year for which the license or registration is renewed.

(b) Requires the fee increases authorized under this section to be collected in the same manner as the assessment under Section 101.006. Authorizes the council to spend the fees collected under this section only to fund the activities of the office under this subchapter.

SECTION 2. (a) Effective date: September 1, 2003.

(b) Requires the council to establish the office of patient protection as required by this Act not later than January 1, 2004. Authorizes the council to establish a

schedule under which the office of patient protection shall begin to perform the powers and duties prescribed by this Act on and after the date the office is established.

(c) Makes application of the change in law made by this Act by the enactment of Section 101.307, Occupations Code, prospective to January 1, 2004.