

## **BILL ANALYSIS**

Senate Research Center  
84R9743 EES-F

S.B. 1813  
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Health & Human Services  
4/27/2015  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the names of complainants and copies of the original complaint against a physician filed at the Texas Medical Board (TMB) are kept confidential from the doctor under review throughout the entire complaint process unless the complainant waives confidentiality. There are multiple steps through the TMB process, including a review of the complaint by at least two but possibly three medical experts. Those reports are also kept confidential from the physician under review throughout the entire complaint process. This process, if followed to its ultimate conclusion, can result in the removal of a physician's license. This denies a physician basic tenets of due process.

S.B. 1813 grants a physician a right to a copy of the original complaint, without redaction, as well as copies of all medical reports, including the names and medical credentials of each physician who files an expert report.

As proposed, S.B. 1813 amends current law relating to procedures for complaints filed with the Texas Medical Board against physicians.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Medical Board is modified in SECTION 3 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 154.053(a), Occupations Code, to require the Texas Medical Board (TMB) to notify by personal delivery or certified mail a physician who is the subject of a complaint filed with TMB that a complaint has been filed and to provide the physician with a full copy of the complaint, without redaction, and a statement of the alleged violation in plain language, rather than to require TMB to notify a physician who is the subject of a complaint filed with TMB that a complaint has been filed and to notify the physician of the nature of the complaint unless the notice would jeopardize an investigation.

SECTION 2. Amends Section 154.0561, Occupations Code, by adding Subsections (e) and (f), as follows:

- (e) Requires TMB to deliver a copy of the preliminary and final reports, including any dissenting or minority report, to the physician who is the subject of the review.
- (f) Requires that the name and medical credentials of each physician who files an expert report be provided to the physician who is the subject of the review.

SECTION 3. Requires TMB to adopt the rules required to implement the changes in law made by this Act not later than November 1, 2015.

SECTION 4. Makes application of Sections 154.053 and 154.0561, Occupations Code, as amended by this Act, prospective to November 1, 2015.

SECTION 5. Effective date: September 1, 2015.