

## **BILL ANALYSIS**

Senate Research Center  
88R3485 DIO-F

S.B. 161  
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Health & Human Services  
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As Filed

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

Nurses, chiropractors, optometrists, dentists, and other health care practitioners are often regulated by their own respective licensing boards. However, someone could file a complaint against one of these providers with a board different than that provider's licensing board. Consequently, that health care practitioner may have to appear before that board.

This system is confusing to licensees, because it could cause them to be accountable to multiple licensing boards. This has the potential to waste taxpayer resources through inefficient and potentially duplicative investigations. The current systems also allow health care practitioners to be disciplined by boards that may have very little understanding of that specific practitioner's practice or profession.

S.B. 161 requires a health care licensing board to refer a complaint that involves a practitioner that is not licensed under that board to the appropriate licensing board for investigation and possible discipline. This bill would also prohibit a health care licensing board from disciplining a practitioner that is licensed by another board. However, if the licensing board that is responsible for regulating that health care practitioner wants to refer the complaint back to the original licensing board for investigation, they may be able to do so.

The nursing, chiropractic, dental, and optometry boards are best equipped to determine what constitutes the proper practice of their licenses, respectively.

S.B. 161 will save taxpayer resources, money, and time by ensuring a health care practitioner is regulated by their own licensing board.

As proposed, S.B. 161 amends current law relating to the procedure for certain complaints against health care practitioners.

### **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 112, Occupations Code, by adding Subchapter C, as follows:

#### **SUBCHAPTER C. COMPLAINT REFERRALS**

Sec. 112.101. COMPLAINTS AGAINST HEALTH CARE PRACTITIONER LICENSED BY DIFFERENT LICENSING ENTITY. (a) Requires a licensing entity that receives a complaint concerning a health care practitioner who holds a license issued by a different licensing entity, notwithstanding any other law, to promptly forward a copy of the complaint to that licensing entity.

(b) Prohibits a licensing entity from taking disciplinary action based on a complaint against a health care practitioner who holds a license issued by a

different licensing entity unless that licensing entity refers the complaint back to the licensing entity that received the complaint for investigation and resolution.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2023.