

BILL ANALYSIS

Senate Research Center

S.B. 702
By: Harris
Health & Human Services
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As Filed

DIGEST AND PURPOSE

Currently, the Texas State Board of Medical Examiners is required to provide physician complaint information to a health care entity. As proposed, S.B. 702 limits the release of physician complaint reports to instances where there is a negative finding against a physician.

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 154.052, Occupations Code, to require the Texas State Board of Medical Examiners (TSBME) to retain a record of the complaint and delete the identity of the license holder against whom the complaint was filed 10 years from the date of the closure of the complaint, if a complaint is closed with no disciplinary or rehabilitative action taken. Makes a nonsubstantive change.

SECTION 2. Amends Section 154.054, Occupations Code, to require TSBME to provide information to a health care entity regarding the basis of and current status of any complaint under active investigation that has been assigned by the executive director to a person authorized by TSBME to pursue legal action.

SECTION 3. Amends Section 160.052(a), Occupations Code, to delete the report or information with respect to a notice of a claim letter from the items an insurer is required to provide TSBME. Requires the insurer to provide the report or information with respect to settlement of a claim without the filing of a lawsuit or settlement of a lawsuit made on behalf of the insured involving damages relating to the insured's conduct in providing or failing to provide a medical or health care service.

SECTION 4. Amends Section 160.053(a), Occupations Code, to require the insurer, not later than the 30th day after the date an insurer receives from an insured a complaint filed in a lawsuit, the date of a settlement of a claim without the filing of a lawsuit, or the date of a settlement of a lawsuit against the insured, to furnish to TSBME certain information, including a copy of the complaint or settlement. Makes conforming changes.

SECTION 5. Makes application of the changes to Sections 160.052(a) and 160.053(a) as amended by this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2003.