

BILL ANALYSIS

Senate Research Center
86R12366 BEE-D

S.B. 1882
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Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2017, the legislature passed S.B. 1148 to establish a process by which hospitals could differentiate based on a physician's maintenance of certification status provided that the voting physician members of the entity's organized medical staff voted to authorize the differentiation. However, interested parties have raised concerns that hospitals have not provided to voting physicians information about the process by which a vote can take place. To ensure the intent of the initial legislation is upheld, S.B. 1882 requires hospitals to provide documentation informing voting physicians of the process by which they can request and hold a vote. It also requires a hospital to hold a vote within 60 days of receiving a request.

As proposed, S.B. 1882 amends current law relating to voting by physicians at certain entities to authorize the differentiation of physicians based on maintenance of certification.

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 Subchapter E, Chapter 241, Health and Safety Code, by adding Section 241.1011, as follows:

Sec. 241.1011. HOSPITAL AUTHORITY TO DIFFERENTIATE BASED ON MAINTENANCE OF CERTIFICATION. Provides that an entity to which Section 151.0515 (Discrimination Based on Maintenance of Certification), Occupations Code, applies violates this chapter (Hospitals) if the entity does not comply with the requirements of that section regarding the provision of written notice regarding and the holding of an election to vote on whether to authorize the entity to differentiate between physicians based on a physician's maintenance of certification.

SECTION 2. Amends Section 151.0515, Occupations Code, by amending Subsections (c) and (d) and adding Subsection (c-1), as follows:

(c) Authorizes a separately certified entity described by Subsection (a), subject to this section, rather than an entity described by Subsection (a), to differentiate between physicians based on a physician's maintenance of certification if the voting physician members of that entity's organized medical staff vote to authorize the differentiation. Makes a conforming change.

(c-1) Requires an entity described by Subsection (a) to:

(1) provide written notice to the voting physician members of the entity's organized medical staff of the process by which the members may request an election to vote on whether to authorize the entity to differentiate between physicians based on a physician's maintenance of certification; and

(2) if the voting physician members request the election in accordance with the process described in the notice required by Subdivision (1), hold the election not later than the 60th day after the date of the request.

(d) Authorizes an authorization described by Subsection (c) to:

(1) be made only by the voting physician members of the separately certified entity's organized medical staff and not by the entity's governing body, administration, medical executive committee, or any other person, rather than by the voting physician members of the entities organized medical staff and not by the entity's governing body, administration, or any other person.

(2)–(3) makes no changes to these subdivisions.

SECTION 3. Effective date: September 1, 2019.