

BILL ANALYSIS

Senate Research Center
86R28950 BEE-D

C.S.S.B. 1882
By: Buckingham
Business & Commerce
4/29/2019
Committee Report (Substituted)

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. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1882 amends current law relating to notice regarding 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 Section 151.0515(c-1), Occupations Code, regarding the provision of written notice regarding the ability to vote on the entity's differentiation between physicians based on a physician's maintenance of certification.

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

(c-1) Requires an entity described by Subsection (a) to provide written notice to the voting physician members of the entity's organized medical staff of the process by which the members are authorized to vote on the entity's differentiation between physicians based on a physician's maintenance of certification. Requires the notice to:

(1) state that any vote is required to comply with the voting process provided by the bylaws of the entity's organized medical staff; and

(2) be provided:

(A) at least once each calendar year; and

(B) in a form acceptable to the entity and the entity's organized medical staff.

SECTION 3. Effective date: September 1, 2019.