

[Tex. Occ. Code §§ 154.001 through 154.006.]

§§ 154.001 through 154.006: Physicians-- Public Interest Information and Complaint Procedures

§ 154.001. Public interest information.

(a) The board shall prepare information of public interest describing the functions of the board and the procedures by which complaints are filed with and resolved by the board.

(b) The board shall make the information available to the public and appropriate state agencies.

§ 154.002. Information for public dissemination.

(a) The board shall prepare:

(1) an alphabetical list of the names of the license holders;

(2) an alphabetical list of the names of the license holders by the county in which the license holder's principal place of practice is located;

(3) a summary of the board's functions;

(4) a copy of this subtitle and a list of other laws relating to the practice of medicine;

(5) a copy of the board's rules;

(6) a statistical report each fiscal year to the legislature and the public that provides aggregate information about all complaints received by the board categorized by type of complaint, including administrative, quality of care, medical error, substance abuse, other criminal behavior, and the disposition of those complaints by category; and

(7) other information considered appropriate by the board.

(b) The board shall provide:

(1) a copy of the information prepared under Subsection (a) to each person who requests a copy; and

(2) copies of the information prepared under Subsection (a) to each public library in this state that requests the copies.

(c) The board shall make available on the board's Internet website a consumer guide to health care. The board shall include information in the guide concerning the billing and reimbursement of health care services provided by physicians, including information that advises consumers that:

(1) the charge for a health care service or supply will vary based on:

(A) the person's medical condition;

(B) any unknown medical conditions of the person;

(C) the person's diagnosis and recommended treatment protocols; and

(D) other factors associated with performance of the health care service;

(2) the charge for a health care service or supply may differ from the amount to be paid by the consumer or the consumer's third-party payor;

(3) the consumer may be personally liable for payment for the health care service or supply depending on the consumer's health benefit plan coverage; and

(4) the consumer should contact the consumer's health benefit plan for accurate information regarding the plan structure, benefit coverage, deductibles, copayments, coinsurance, and other plan provisions that may impact the consumer's liability for payment for the health care services or supplies.

§ 154.003. Information for physicians.

(a) The board shall disseminate at least twice a year and at other times determined necessary by the board information of significant interest to the physicians of this state. The information must include summaries of:

- (1) disciplinary orders made against physicians licensed in this state;
 - (2) board activities and functions;
 - (3) pertinent changes in this subtitle or board rules; and
 - (4) attorney general opinions.
- (b) The requirements of this section are in addition to the reporting requirements imposed under Section 164.060.
- (c) The board shall disseminate the information to:
- (1) each physician practicing in this state;
 - (2) each health care entity and other board-designated health care institution operating in this state;
 - (3) each member of a health-related legislative committee;
 - (4) a member of the public who submits a written request; and
 - (5) public libraries throughout this state.
- (d) Except as provided by this subsection, the board shall publish information regarding errors in and reversals of disciplinary actions taken by the board. The information to be published under this subsection includes instances in which a disciplinary action initiated by the board is overturned by a court. The board shall disseminate the information under this subsection in the same format, size, style, and manner as the information regarding the original action by the board was disseminated. The board may not publish information under this subsection if the physician who was the subject of the disciplinary action requests that the information not be published.

§ 154.004. Disclosure of disciplinary orders.

(a) On written request the board shall make available to the general public on payment of a reasonable fee to cover expenses and to appropriate state agencies information that includes:

(1) a summary of any previous disciplinary order by the board against a specific physician licensed in this state;

(2) the date of the order; and

(3) the current status of the order.

(b) If the board is not required under other state law to establish a toll-free telephone number, the board shall establish an eight-hour toll-free telephone number to make the information required by this section immediately available to any caller.

§ 154.005. Public participation.

(a) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the board's jurisdiction.

(b) The board shall prepare and maintain a written plan that describes how a person who does not speak English may be provided reasonable access to the board's programs.

§ 154.006. Physician profiles.

(a) The board shall create a profile of each physician licensed under this subtitle. The profile must:

(1) include the information required by Subsection (b); and

(2) be compiled in a format that makes the information contained in the profile easily available to the public.

(b) Except as otherwise provided by this section, a profile must contain the following information on each physician:

(1) the name of each medical school attended and the dates of:

- (A) graduation; or
- (B) Fifth Pathway designation and completion of the Fifth Pathway Program;
- (2) a description of all graduate medical education in the United States or Canada;
- (3) any specialty certification held by the physician and issued by a medical licensing board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists;
- (4) the number of years the physician has actively practiced medicine in:
 - (A) the United States or Canada; and
 - (B) this state;
- (5) the name of each hospital in this state in which the physician has privileges;
- (6) the physician's primary practice location;
- (7) the type of language translating services, including translating services for a person with impairment of hearing, that the physician provides at the physician's primary practice location;
- (8) whether the physician participates in the Medicaid program;
- (9) a description of any conviction for a felony, a Class A or Class B misdemeanor, or a Class C misdemeanor involving moral turpitude;
- (10) a description of any charges reported to the board to which the physician has pleaded no contest, for which the physician is the subject of deferred adjudication or pretrial diversion, or in which sufficient facts of guilt were found and the matter was continued by a court;
- (11) a description of any disciplinary action against the physician by the board;

- (12) a description of any disciplinary action against the physician by a medical licensing board of another state;
- (13) a description of the final resolution taken by the board on medical malpractice claims or complaints required to be opened by the board under Section 164.201;
- (14) whether the physician's patient service areas are accessible to disabled persons, as defined by federal law;
- (15) a description of any formal complaint against the physician initiated and filed under Section 164.005 and the status of the complaint; and
- (16) a description of any medical malpractice claim against the physician, not including a description of any offers by the physician to settle the claim, for which the physician was found liable, a jury awarded monetary damages to the claimant, and the award has been determined to be final and not subject to further appeal.
- (b-1) On or after the fifth anniversary of the date a remedial plan is issued under Section 164.0015, the board may remove from the profile of the physician subject to the plan any information regarding the plan and the complaint resolved by the plan unless:
- (1) the complaint was related to the delivery of health care; or
- (2) more than one remedial plan has been issued to resolve complaints alleging the same violation by the physician, including a complaint not related to the delivery of health care.
- (c) Information required to be included under Subsection (b) that is not maintained by the board in the ordinary course of the board's duties shall be obtained from a physician at the time the physician renews the physician's license. In requesting information from the physician, the board shall:
- (1) inform the physician that compliance with the request for information is mandatory;
- (2) inform the physician of the date the information will be made available to the public; and

(3) instruct the physician about the requirements under Subsection (f) for the physician to obtain a copy of the physician's profile to make corrections.

(d) This section does not:

(1) prevent the board from providing explanatory information regarding the significance of categories in which malpractice settlements are reported; or

(2) require the board to disclose confidential settlement information.

(e) A pending malpractice claim or complaint, other than a claim disclosed under Subsection (b)(13), may not be disclosed to the public by the board. This subsection does not prevent the board from investigating and disciplining a physician on the basis of a pending medical malpractice claim or complaint.

(f) The board shall provide a physician with a copy of the physician's profile if the physician requests a copy at the time the physician renews the physician's license. If a copy is requested by a physician, the board shall provide the physician one month from the date the copy is provided to the physician to correct factual errors in the physician's profile.

(g) Except as otherwise provided by this section, the board shall update the information contained in a physician's profile annually. The board shall adopt a form that allows a physician to update information contained in a physician's profile. The form shall be made available on the Internet and in other formats as prescribed by board rule. The board may adopt rules concerning the type and content of additional information that may be included in a physician's profile.

(h) The board shall adopt rules as necessary to implement this section.

(i) In addition to the information required by Subsection (b) and except as otherwise provided by this section, a profile must be updated to contain the text of a formal complaint filed under Section 164.005 against the physician or of a board order related to the formal complaint not later than the 10th working day after the date the complaint is filed.

(i-1) Not later than the 10th working day after the date the board issues a final order related to a formal complaint filed under Section 164.005 against a physician, the board shall:

- (1) remove from the physician's profile any record of the formal complaint or any prior disciplinary action related to the formal complaint; and
 - (2) update the physician's profile to contain the board's final order.
- (j) Information included in a physician's profile under Subsections (b), (i), and (i-1) may not include any patient identifying information.
- (k) Not later than the 10th working day after the date the board dismisses a formal complaint against a physician required to be included in the physician's profile under Subsection (b)(15) or (i) as baseless, unfounded, or not supported by sufficient evidence that a violation occurred, or resolves the complaint and takes no action against the physician's license as a result of the complaint, the board shall:
- (1) remove from the physician's profile any record of the formal complaint or any prior disciplinary action related to the formal complaint; and
 - (2) update the physician's profile to contain the board's final order dismissing or resolving the complaint.
- (l) If no action is taken against a physician's license as a result of an investigation of medical malpractice claims or complaints required to be investigated by the board under Section 164.201, the board shall, not later than the 10th working day after the date the board resolves the investigation, remove any record of the investigation from the physician's profile.