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Amendment Floor Report for HB 1535 – Tuesday, April 16, 2019


Cain 860824	Amendment would add language to the Vernon’s Civil Statutes adding that citizens cannot serve on the State Securities Board if they have a spouse who is a registered lobbyist. Current statute only includes that the member serving cannot be a registered lobbyist, amendment adding language to include spouses in this stipulation would assist in preventing a conflict of interest while serving on the board.	<u>Will of the House</u>
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Amendment Floor Report for HB 1540 – Tuesday, April 16, 2019


Cain 860821	This amendment adds the requirement that an applicant for a license should verify in their application statement that they are an individual of good moral standing. This stipulation, however well-intended, is a vague and objective measure that is unnecessary in this application.	<u>Unfavorable</u>
Cain 860822	This amendment adds the requirement that, to be eligible for a funeral director’s license or an embalmer’s license, the applicant must have good moral character.	<u>Unfavorable</u>

Amendment Floor Report for HB 1504 – Tuesday, April 16, 2019

Cain 860819	Amendment 819 strikes the entirety of Section 21 of HB 1504 which amends the Occupations Code. This reverses actions by HB 1504 to remove the original requirement that a person is “of good moral character”.	<u>Unfavorable</u>
Cain 860825	Currently, the Occupation Code states that an individual who is required to register as a lobbyist may not be a member of the Texas Trade Association’s advisory committee. Amendment 825 amends the Occupation Code to state that this stipulation also applies to an individual whose spouse is required to register as a lobbyist.	<u>Will of the House</u>

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<p>Klick 860817</p>	<p>This amendment adds a section to the Occupations Code authorizing the board to take disciplinary action against any physician who is on a hospital committee reviewing another physician who refused to honor a patient’s advanced directive and the committee concludes that life-sustaining treatment is inappropriate. The only exceptions to this statute are if the requested life-sustaining treatment is physiologically ineffective for the required purpose or if it is medically inappropriate.</p>	<p><u>Unfavorable</u></p>
<p>Klick 860818</p>	<p>Amendment 817 amends the Occupation Code to add to the list of prohibited practices by a physician or license applicant. It prohibits the participation in an ethics or medical hospital committee against any physician who is on a committee reviewing another physician who refused to honor a patient’s advanced directive if the committee concludes that life-sustaining treatment is inappropriate.</p>	<p><u>Unfavorable</u></p>
<p>Lucio III 860738</p>	<p>Currently, there are limited tests that can accurately diagnose Lyme disease. To help address this issue, amendment 738 allows doctors the option of three additional tests for Lyme disease: DNA Sanger Sequencing, Polymerase Chain Reaction, and IGeneX. It is important to note that these tests are not currently part of the CDC recommended testing for Lyme disease.</p>	<p><u>Will of the House</u></p>
<p>Meyer 860823</p>	<p>This amendment states that the board’s process of addressing complaints against a health organization that is certified under the Occupations Code must match the process for the addressing complaints against individuals. This means that board is required to:</p> <ul style="list-style-type: none"> • Maintain a system to organize and efficiently act upon filed complaints • Appropriately notify the health organization and allow the opportunity to respond to the complaint • Ensure that complaints are not dismissed without proper consideration • Establish methods to inform employed physicians of the proper avenues by which to direct complaints regarding the health organization to the board <p>Disposal and resolution of a complaint made against a health organization must also match the equivalent process for individuals. This amendment also:</p> <ul style="list-style-type: none"> • Stipulates that information about or regarding complaints, reports, or investigations are confidential and not subject to discovery or subpoena to those that are not involved in the investigation • Clarifies that an individual may choose to or choose not to file a complaint with the health organization or the board in any combination of their choosing • Codifies that a health organization must have in place an anti-retaliation policy that ensures that a physician will not face employment consequences for filing a complaint, cooperating with an investigation, or for offering their best, independent medical judgement to a patient <ul style="list-style-type: none"> ○ The board may take action against any health organization that has failed to develop, implement, or comply with their anti-retaliation policy • Requires that health organization certified under the Occupations Code must submit their board fees with a biennial report to the board that includes the following <ul style="list-style-type: none"> ○ A signed statement by the president or CEO with the name of and mailing address of the health organization, each of its members, each member of the board of directors, and each officer of the health organization as well as the disclosure of any change among the board of directors ○ Explanation of any amended certification of formation or bylaws with copies of each ○ A statement from each current director verifying their eligibility for their position; their adherence to independent judgement, compliance with all organizational and board rules; and all financial relationships with anyone in connection to the health organization • Requires the board to release all information in the first sub-bullet above on the board’s website <p>All the other information must be available to the public and subject to disclosure in compliance with Chapter 552 of the Government Code</p>	<p><u>Will of the House</u></p>

OK for Distribution –  Rep. Garet Coleman

<p>Toth 860815</p>	<p>Amendment 815 amends the Occupation Code to add to the list of prohibited practices by a physician or license applicant. It requires physicians to make a reasonable effort to transfer a patient to a physician who is willing to comply with a directive and allows the board to take disciplinary action against any physician who does not comply with this rule. Among the allowed disciplinary actions are refusal of entry to an examination and refusal to issue or reissue a license.</p>	<p><u>Unfavorable</u></p>
<p>Toth 860816</p>	<p>Amendment 817 amends the Occupation Code to allow the board to take disciplinary action against any physician who fails to make a reasonable effort to transfer a patient to a physician who is willing to comply with a directive. Among the allowed disciplinary actions are refusal of entry to an examination and refusal to issue or reissue a license.</p>	<p><u>Unfavorable</u></p>
<p>Zedler 860739</p>	<p>HB 1504 states that the board may obtain judicial review of any finding of fact or conclusion of law issued by an administrative law judge before disposing of contested case by issuing a final order. This must be done within 30 days of the date that the findings and conclusions are issued. Amendment 739 adds that the board may do this after entering a final decision as well as before issuing a final order. The amendment also makes an additional change that cannot be analyzed due to a wrong reference page or line. It is assumed that this change intends to refer to the bill language that says that the board must dispose of the contested case by issuing a final order based on the court's final order. In accordance with the language of the amendment, it is assumed that it intends to also allow the board an option to dismiss the complaint based on the court's final order.</p>	<p><u>Unfavorable</u></p>
<p>Zedler 860740</p>	<p>Amendment 740 allows for complainant information to be released to legislators at the request of a legislative member. It also clarifies that legislative members are entitled to attend any informal meeting regarding complaints. Additionally, this amendment prohibits the board from adopting or implementing a quota for a number of physicians to be disciplined within a specific time period.</p>	<p><u>Will of the House</u></p>
<p>Zedler 860811</p>	<p>HB 1501 states that on the fifth year after a remedial plan for a physician has been issued, the board may remove certain information from the public profile of a physician. This amendment changes the language from a "may" to a "shall", turning the permissive statement into a mandate. Additionally, the amendment strikes the section mandating that the board update the physician's public profile with the board's final order dismissing or resolving the complaint. This means that the physician's profile will have no indication of any complaint that the board has dismissed or resolved.</p>	<p><u>Unfavorable</u></p>
<p>Zedler 860812</p>	<p>HB 1504 takes out language in statute that states that a formal complaint must be made by a person under oath and that the charge must be in the form of a written affidavit. This amendment reverses these changes to state that the complainant must be under oath and that the charge must be in the form of a written affidavit.</p>	<p><u>Will of the House</u></p>
<p>Zedler 860813</p>	<p>Currently, HB 1504 requires that, after receiving the administrative law judge's findings of fact and conclusions of law, the board must dispose of the case by issuing a final order based on the judge's findings. The board also has the option to appeal the judge's findings in a manner required by the statute. Amendment 813 adds that the board also has the option to dismiss the case if no violations of law or board rules were found by the judge. It also stipulates that in each case, the board only has the authority to take action or sanction if a violation of law or board rule has been established.</p>	<p><u>Will of the House</u></p>
<p>Zedler 860814</p>	<p>This amendment changes the section in HB 1504 which relates to the board appeal of findings and conclusions. Firstly, it strikes the word board from the section title, presumably to convey that it is not just the board who has the authority to appeal. Secondly, it strikes the section of HB 1504 which states that individuals may not appeal a board sanction unless the sanction exceeds the board's published sanctions guidelines. In place of this language, this amendment allows for an individual to appeal a sanction through a trial de novo with a district court. Essentially, this allows the individual to seek a 'second opinion' of sorts by pursuing a new trial for the same case.</p>	<p><u>Unfavorable</u></p>

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