

CHAPTER 615

S.B. No. 283

An Act relating to the use of peer review committees to evaluate and mediate disputes between licensed chiropractors and persons obligated to pay a fee for chiropractic services and to qualifications of committee members, to their appointment, and their immunity from liability; amending Sections 1, 2, 3, 4, and 5, Chapter 286, Acts of the 64th Legislature, Regular Session, 1975, and Section 17a, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as added (Articles 4512b(1) and 4512b, Vernon's Texas Civil Statutes).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1, Chapter 286, Acts of the 64th Legislature, Regular Session, 1975 (Article 4512b(1), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. **DEFINITIONS.** In this Act:

"(1) [article] '**Chiropractor** [~~chiropractor~~]' means a person licensed to practice chiropractic by the Texas Board of Chiropractic Examiners.

"(2) '**Board**' means the Texas Board of Chiropractic Examiners."

SECTION 2. Section 2, Chapter 286, Acts of the 64th Legislature, Regular Session, 1975 (Article 4512b(1), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. **PEER REVIEW COMMITTEES.** (a) The chiropractors practicing in this state may nominate to the Board volunteers [~~elect~~] from their membership to conduct [~~a committee which may be denominated a chiropractic~~] peer review procedures. The Board shall appoint local chiropractic peer review committees [~~committee. The committee shall be elected or appointed by the organization forming such peer review committee~~].

"(b) The Board shall appoint an executive chiropractic peer review committee to direct the activities of the local committees. The executive peer review committee is composed of six volunteer members. The executive peer review committee shall elect a chairman from its members.

"(c) To be eligible to serve on a chiropractic peer review committee, a member must participate in a board-approved program of peer review training. Any chiropractor who has completed a program of peer review training approved by the Board is eligible to serve on a chiropractic peer review committee. The Board shall appoint the members of the peer review committee from a list submitted by the local chiropractic association."

SECTION 3. Section 3, Chapter 286, Acts of the 64th Legislature, Regular Session, 1975 (Article 4512b(1), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. **DUTIES.** (a) Each local [~~The~~] chiropractic peer review committee shall [:

"[~~(1)~~] review and evaluate chiropractic treatment and services in disputes involving a chiropractor and a patient or a person obligated to pay a fee for chiropractic services or treatment [~~rendered;~~] and shall mediate

"[~~(2)~~] act as arbitrator] in a dispute involving a chiropractor and a patient or person obligated to pay a fee for chiropractic services or treatment. Each local peer review committee shall report its findings and recommendations in such a dispute to the executive chiropractic peer review committee. A local peer review committee shall refer a dispute that is not resolved at the local level to the executive peer review committee.

"(b) The executive chiropractic peer review committee shall conduct hearings relating to disputes referred by a local chiropractic peer review committee and shall make its recommendations based solely upon evidence presented in such hearings.

"(c) To be eligible to serve on a chiropractic peer review committee, a member must participate in a board-approved program of peer review training. Any chiropractor who has completed a program of peer review training approved by the Board is eligible to serve on a chiropractic peer review committee. The Board shall appoint the members of the peer review committee from a list submitted by the local chiropractic association."

SECTION 4. Section 4, Chapter 286, Acts of the 64th Legislature, Regular Session, 1975 (Article 4512b(1), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. **LIABILITY OF COMMITTEE MEMBER IN CIVIL ACTION.** Unless fraud, conspiracy, or malice can be shown, a member of a chiropractic peer review committee is not liable in a civil action for a finding, evaluation, recommendation, or other action made or taken by him as a member of the committee, or by the committee; *provided, however, the immunity granted in this article shall not be construed to limit the operation of federal or state antitrust laws as they may be applied to conduct of a peer review committee or the executive peer review committee that involves price fixing or any other unreasonable restraint of trade.*"

SECTION 5. Section 5, Chapter 286, Acts of the 64th Legislature, Regular Session, 1975 (Article 4512b(1), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5. **CONFLICT OF INTEREST.** A member of a chiropractic peer review committee may not participate in committee deliberations or other activities involving chiropractic services or treatment rendered or performed by him. *No member of a local peer review committee or the executive peer review committee shall be a consultant to or an employee of any company or carrier of health care insurance.*"

SECTION 6. Section 17a, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as added (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 17a. **REQUESTS FOR INFORMATION FROM PEER REVIEW COMMITTEE.** (a) The Texas Board of Chiropractic Examiners may request from a chiropractic peer review committee established under Chapter 286, Acts of the 64th Legislature, 1975 (Article 4512b(1), Vernon's Texas Civil Statutes), information pertaining to actions taken by the peer review committee.

"(b) The Board shall establish requirements for peer review training programs provided such requirements shall not discriminate against any licensed chiropractor in this state."

SECTION 7. This Act takes effect September 1, 1985.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 30, 1985, by a viva-voce vote; May 25, 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 1985, House granted request of the Senate; May 27, 1985, Senate adopted Conference Committee Report by a viva-voce vote; passed the House, with amendments, on May 25, 1985, by a non-record vote; May 27, 1985, House granted request of the Senate for appointment of Conference Committee; May 27, 1985, House adopted Conference Committee Report by a non-record vote.

Approved: June 14, 1985

Effective: September 1, 1985