



Responding to the Texas Medical Board

**Best Steps to Respond to the Texas
Medical Board**

Complaints from the TMB. Just the Facts

- o The Texas Medical Board (TMB) is the organization that licenses doctors in Texas.
- o Any person (patient, relative, or other person) can file a complaint with the TMB. The complaint and who files the complaint is confidential.
- o The TMB will send a letter to the provider based on any complaint (no matter how big or small).

The TMB Send you a Complaint Now what?

- o Do NOT panic!
 - o A complaint does not mean you did something wrong, and it does not mean that your license is in jeopardy.
- o Contact risk management or whoever handles complaints within your group or practice.
- o Do not go back to the chart and make any changes.
- o Do not contact the patient or any other healthcare provider regarding the complaint.
- o Consult with an attorney or person to help with the initial response.

The Letter

The Texas Medical Board (TMB) has received a complaint against you. According to state law, Texas Medical Practice Act § 154.057 (a)-(b), all complaints received by the Board against a physician must be evaluated within 45 days, or the complaint is automatically filed for investigation.

Within a 45-day period, the Board must determine if there is a potential violation of the Medical Practice Act which warrants an official investigation, or if the complaint should be closed without being filed as an official investigation. Your response is important to the Board's evaluation.

As part of this process, you will have 28 days from the date of this letter to respond to this complaint. **Your response is due on or before 07/05/2024.** In order to meet the statutory deadline, no extension can be granted.

A determination will be made after considering your response and other available evidence. If a formal investigation is warranted and filed, you will receive a notice letter with additional information. If the formal investigation is not filed, you will be notified in writing within the next few weeks. The complaint and your response, if any, will become part of the agency record of this matter.

Timeline to Respond

- o The TMB has 45 days to determine if the patient complaint will move to an investigation. This is a statutory deadline and cannot be changed.
- o You have 28 days from the date of the letter to respond to the complaint. This deadline cannot be extended.
- o All responses are submitted electronically.
- o The TMB at this point will determine if it will proceed with an investigation or dismiss the claim.

Response to the Complaint Narrative Statement

Include information about your education and background.

Attach your CV

Include a brief timeline of care for the patient.

This should be factual.

Include excerpts from the medical records.

Include information that is informative and relevant.

Narrative Response-Ending

Respond to each complaint-based on the records and other information.

- o Focus on how you did not violate the standard of care.
- o Do not focus on the patient.
- o The TMB is looking at what you allegedly did.
- o Address each issue.

Investigation or Dismissal

- o The TMB will send a letter that states the matter is dismissed or if the matter will subject to a formal investigation.
- o At this point the TMB may ask for additional information.
- o Many investigations do not go further.

Investigation

- During the investigation, the TMB may ask for additional information.
- Experts maybe retained for the TMB and the doctor.
- This is also the time for the parties to discuss a potential resolution.
- This is a very fluid process.

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THE END

