

1-1 By: Lucio S.B. No. 815  
1-2 (In the Senate - Filed February 28, 2005; March 10, 2005,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; April 13, 2005, reported favorably by the following  
1-5 vote: Yeas 8, Nays 0; April 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the long-range plan for the South Texas Health Care  
1-9 System and the provision of tuberculosis and other health care  
1-10 services in the Lower Rio Grande Valley.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 1 through 7, Chapter 1106, Acts of the  
1-13 76th Legislature, Regular Session, 1999, are amended to read as  
1-14 follows:

1-15 Sec. 1. CONSTRUCTION OF NEW PHYSICAL FACILITIES FOR  
1-16 OUTPATIENT HEALTH CARE SERVICES. (a) The ~~[Texas]~~ Department of  
1-17 State Health Services shall contract for the construction of at  
1-18 least one ~~[an initial,]~~ new physical facility for outpatient health  
1-19 care services, including outpatient tuberculosis services, out of  
1-20 funds appropriated to the department for that purpose.

1-21 (b) ~~[The initial physical facility constructed under~~  
1-22 ~~Subsection (a) of this section must be:~~

1-23 ~~[(1) located at the site of the South Texas Hospital in~~  
1-24 ~~Harlingen, Texas; or~~

1-25 ~~[(2) colocated with the initial site of the Regional~~  
1-26 ~~Academic Health Center at a common site in Harlingen, Texas, and~~  
1-27 ~~adjacent to the center.~~

1-28 ~~[(c) The contract under Subsection (a) of this section for~~  
1-29 ~~the construction of the initial physical facility in Harlingen,~~  
1-30 ~~Texas, must specify that the physical facility be designed and~~  
1-31 ~~constructed to allow for the provision of all outpatient health~~  
1-32 ~~care services, including outpatient tuberculosis services,~~  
1-33 ~~provided at the South Texas Hospital on the effective date of this~~  
1-34 ~~Act. The facility may be designed and constructed to allow for the~~  
1-35 ~~provision of additional outpatient health care services.~~

1-36 ~~[(d) If the initial physical facility constructed under~~  
1-37 ~~Subsection (a) of this section is colocated with the Regional~~  
1-38 ~~Academic Health Center, the contract under this section must~~  
1-39 ~~specify that, to the maximum extent possible, that facility and the~~  
1-40 ~~Regional Academic Health Center must be designed and constructed~~  
1-41 ~~together to realize potential savings in construction costs and~~  
1-42 ~~long-term maintenance and operations costs by using common central~~  
1-43 ~~utility plants, cafeterias, laundry facilities, maintenance~~  
1-44 ~~facilities, and other support facilities. The board of regents of~~  
1-45 ~~The University of Texas System shall cooperate with the Texas~~  
1-46 ~~Department of Health to coordinate the structure and design of the~~  
1-47 ~~physical facilities of the facility constructed under Subsection~~  
1-48 ~~(a) of this section and the Regional Academic Health Center to~~  
1-49 ~~achieve a maximally efficient use of resources.~~

1-50 ~~[(e) Out of funds available to the Texas Department of~~  
1-51 ~~Health for that purpose, the department may contract for the~~  
1-52 ~~construction of additional physical facilities for outpatient~~  
1-53 ~~health care services, including outpatient tuberculosis services.]~~

1-54 One facility may be located in Hidalgo County ~~[McAllen]~~, Texas, and  
1-55 another facility may be located in Cameron County ~~[Brownsville]~~,  
1-56 Texas.

1-57 Sec. 2. OUTPATIENT HEALTH CARE SERVICES. (a) On  
1-58 completion of the ~~[initial]~~ physical facility or facilities ~~[in~~  
1-59 ~~Harlingen, Texas,]~~ required by Section 1 of this Act, the provision  
1-60 of all outpatient health care services, including outpatient  
1-61 tuberculosis services, provided by the South Texas Health Care  
1-62 System ~~[Hospital on the effective date of this Act]~~ shall be  
1-63 transferred to that facility or those facilities.

1-64 (b) The ~~[Texas]~~ Department of State Health Services may

2-1 contract with one or more public or private health care providers or  
 2-2 entities for the management and operation of the physical  
 2-3 facilities constructed under Section 1 of this Act and for the  
 2-4 provision of outpatient health care services at those facilities.

2-5 Sec. 3. INPATIENT HEALTH CARE AND RELATED LABORATORY  
 2-6 SERVICES. Out of funds appropriated to the [~~Texas~~] Department of  
 2-7 State Health Services to provide inpatient health care services,  
 2-8 the department shall contract with one or more public or private  
 2-9 health care providers or entities, including a political  
 2-10 subdivision that is located in the Rio Grande Valley region and is  
 2-11 responsible for providing health care services to its residents,  
 2-12 for the provision of inpatient health care services, including  
 2-13 inpatient tuberculosis services, and related laboratory services  
 2-14 provided by the South Texas Health Care System [~~Hospital on the~~  
 2-15 ~~effective date of this Act~~].

2-16 Sec. 4. INTERIM RENOVATION OF PHYSICAL FACILITIES OF SOUTH  
 2-17 TEXAS HEALTH CARE SYSTEM [~~HOSPITAL~~]. Out of funds appropriated to  
 2-18 the department for the purpose of this section, the [~~Texas~~]  
 2-19 Department of State Health Services shall contract for minimally  
 2-20 necessary structural and design renovations to the physical  
 2-21 facilities of the South Texas Health Care System [~~Hospital~~]  
 2-22 required for compliance with Texas Accessibility Standards and the  
 2-23 federal Americans with Disabilities Act of 1990 (42 U.S.C. Section  
 2-24 12101 et seq.), as amended, and for the continued operation of the  
 2-25 South Texas Health Care System [~~Hospital~~] to provide outpatient  
 2-26 health care services until construction of the [~~initial~~] physical  
 2-27 facility or facilities required by Section 1 of this Act [~~in~~  
 2-28 ~~Harlingen, Texas,~~] for the provision of those services is  
 2-29 completed.

2-30 Sec. 5. FUTURE OF SOUTH TEXAS HEALTH CARE SYSTEM  
 2-31 [~~HOSPITAL~~]. If the Department of State Health Services does not use  
 2-32 the current physical facilities of the South Texas Health Care  
 2-33 System upon completion of the physical facility or facilities  
 2-34 required by Section 1 of this Act, the department [~~The Texas Board~~  
 2-35 ~~of Health~~] shall give the [~~Texas~~] Department of Aging and  
 2-36 Disability Services [~~Mental Health and Mental Retardation~~] the  
 2-37 first option to lease the current physical facilities of the South  
 2-38 Texas Health Care System [~~Hospital~~] on completion of construction  
 2-39 of the [~~initial~~] physical facility or facilities required by  
 2-40 Section 1 of this Act for outpatient health care services [~~in~~  
 2-41 ~~Harlingen, Texas,~~] and after contracting providers or entities  
 2-42 under Section 3 of this Act have begun providing inpatient health  
 2-43 care and related laboratory services. If the [~~Texas~~] Department of  
 2-44 Aging and Disability Services [~~Mental Health and Mental~~  
 2-45 ~~Retardation~~] does not lease the facilities, the department [~~Texas~~  
 2-46 ~~Board of Health~~] shall study and prepare leasing and other options  
 2-47 for potential future uses of the facilities.

2-48 [~~Sec. 6. CONTINUATION OF SUPPORT SERVICES. (a) If the~~  
 2-49 ~~initial physical facility constructed as required by Section 1 of~~  
 2-50 ~~this Act is collocated with the Regional Academic Health Center, the~~  
 2-51 ~~Texas Department of Health and the Texas Department of Mental~~  
 2-52 ~~Health and Mental Retardation shall enter into an interagency~~  
 2-53 ~~contract to provide for the continuation of support services for~~  
 2-54 ~~the facility operated by the Texas Department of Mental Health and~~  
 2-55 ~~Mental Retardation that is collocated with the South Texas Hospital.~~

2-56 [(b) The contract may include a provision requiring the  
 2-57 Texas Department of Health to continue providing employees for  
 2-58 support facilities at the site.]

2-59 Sec. 7. DISPLACED EMPLOYEES OF SOUTH TEXAS HEALTH CARE  
 2-60 SYSTEM [~~HOSPITAL~~]. (a) Out of available funds appropriated to the  
 2-61 [~~Texas~~] Department of State Health Services, the department shall  
 2-62 reassign a member of the employee class of the department who is  
 2-63 employed at the South Texas Health Care System [~~Hospital~~] and whose  
 2-64 position is displaced as a result of a contract entered into by the  
 2-65 [~~Texas~~] Department of State Health Services under this Act or the  
 2-66 transfer of services from the South Texas Health Care System  
 2-67 [~~Hospital~~] to an open position within the department in reasonable  
 2-68 proximity to the South Texas Health Care System [~~Hospital~~] and for  
 2-69 which the member is qualified. If reassignment of a member of the

3-1 employee class to another position within the department is not  
3-2 possible, the department shall provide job placement assistance to  
3-3 the member.

3-4 (b) A contract awarded by the [~~Texas~~] Department of State  
3-5 Health Services under this Act must include a provision that the  
3-6 contracting entity shall offer an employee of the South Texas  
3-7 Health Care System [~~Hospital~~] whose position is displaced as a  
3-8 result of the contract a similar employment position with the  
3-9 contracting entity before offering the position to any other person  
3-10 if the contracting entity determines that the displaced employee is  
3-11 qualified for the position.

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