

By: Staples

S.B. No. 1378

A BILL TO BE ENTITLED

AN ACT

relating to the certification of certain nonprofit hospitals and hospital systems for limited liability.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 311.0456(a), (c), and (d), Health and Safety Code, are amended to read as follows:

(a) In this section:

(1) "Department" [~~,"department"~~] means the Department of State Health Services [~~Texas Department of Health~~].

(2) "Nonprofit hospital" has the meaning assigned by Section 311.042(9)(A).

(c) To be eligible for certification under Subsection (d), a nonprofit hospital or hospital system must provide:

(1) charity care in an amount equal to at least eight percent of the net patient revenue of the hospital or hospital system during the most recent [~~preceding~~] fiscal year of the hospital or system for which audited data is available; and

(2) at least 40 percent of the charity care provided in the county in which the hospital is located.

(d) To be certified under this subsection, a nonprofit hospital or hospital system must submit a written request for certification [~~a report based on its most recent completed and audited prior fiscal year~~] to the department not later than May 31 [~~April 30~~] of each year stating that the hospital or system is

1 eligible for certification. The department must determine
2 eligibility for certification [~~verify the information in the~~
3 ~~report~~] not later than December [~~May~~] 31 of the year in which the
4 department receives the request [~~report~~] by checking charity care
5 data that has been independently audited by the requesting
6 nonprofit hospital or hospital system and included in [~~the~~
7 ~~information against~~] the report submitted [~~filed~~] by the hospital
8 or system under Section 311.033 and the statement of community
9 benefits and charity care submitted by the nonprofit hospital or
10 hospital system under Section 311.045. If a report under Section
11 311.033 is not available for all hospitals in a county in which a
12 nonprofit hospital meeting the requirement of Subsection (c)(1) is
13 requesting certification, the department shall determine the
14 eligibility of the hospital or hospital system using other sources
15 of verified charity care information available at the time of
16 certification [311.046]. The [~~After the department has verified~~
17 ~~the information in the report, the~~] department shall certify that
18 the hospital or hospital system has met the requirements for
19 certification. The certification issued under this subsection to a
20 nonprofit hospital or hospital system takes effect on December
21 [~~May~~] 31 of that year and expires on the anniversary of that date.

22 SECTION 2. (a) Notwithstanding Section 311.0456(b), Health
23 and Safety Code, if this Act takes effect:

24 (1) before September 1, 2005, a certification issued
25 by the Texas Department of Health or the Department of State Health
26 Services in 2004 continues in effect until December 31, 2005; or

27 (2) on September 1, 2005, a certification issued by

1 the Texas Department of Health or the Department of State Health
2 Services that takes effect May 31, 2005, continues in effect until
3 December 31, 2006.

4 (b) The change in law made by this Act to Section 311.0456,
5 Health and Safety Code, applies only to a certification that occurs
6 on or after the effective date of this Act. A certification that
7 occurs before the effective date of this Act is governed by the law
8 in effect when the certification occurred, and the former law is
9 continued in effect for that purpose.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.