

By: Swinford

H.B. No. 4035

Substitute the following for H.B. No. 4035:

By: Smith of Harris

C.S.H.B. No. 4035

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the board of directors of the Moore
3 County Hospital District to employ health care providers.

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

5 SECTION 1. Section 5, Chapter 287, Acts of the 61st
6 Legislature, Regular Session, 1969, is amended to read as follows:

7 Sec. 5. The board of directors shall manage, control, and
8 administer the hospital system and all funds and resources of the
9 district, but in no event shall any operating, depreciation, or
10 building fund reserves be invested in any funds or securities
11 authorized by law, including Chapter 2256, Government Code. The
12 board is given full authority to establish rules and regulations
13 relating to seniority of employees of the district, including a
14 retirement plan based thereon, and may give effect to previous
15 years of service for those employees who have been continuously
16 employed in the operation or management of the hospital facilities
17 acquired, including those acquired upon the creation thereof by
18 reason of Section 2 of this Act, or constructed by the district.
19 The district, through its board of directors, shall have the power
20 and authority to sue and be sued, and shall be entitled to all
21 causes of action and defenses enjoyed by similar authorities, to
22 promulgate rules and regulations governing the operation of the
23 hospital, hospital system, its staff, and its employees. The board
24 of directors shall appoint a qualified person to be known as the

1 administrator or manager of the hospital district and may in its
2 discretion appoint an assistant to the administrator or manager.
3 Such administrator or manager and assistant administrator or
4 manager, if any, shall serve at the will of the board and shall
5 receive such compensation as may be fixed by the board. The
6 administrator or manager shall, upon assuming his duties, execute a
7 bond payable to the hospital district in an amount to be set by the
8 board of directors, in no event less than \$500,000 conditioned that
9 he shall perform the duties required of him, and containing such
10 other conditions as the board may require. The administrator or
11 manager shall supervise all the work and activities of the district
12 and shall have general direction of the affairs of the district,
13 subject to the limitations as may be prescribed by the board. The
14 board of directors shall have the authority to appoint to the staff
15 such doctors as it may be deemed necessary for the efficient
16 operation of the district, and may provide for temporary
17 appointments to the staff if warranted by circumstances. The board
18 may employ physicians or other health care providers as the board
19 considers necessary for the efficient operation of the district.
20 This section does not authorize the board to supervise or control
21 the practice of medicine, as prohibited by Subtitle B, Title 3,
22 Occupations Code. The board may delegate to the administrator or
23 manager the authority to employ technicians, nurses, and employees
24 of the district other than physicians. Such board shall be
25 authorized to contract with any other public or private entity,
26 including a county, municipality, hospital district, or any other
27 political subdivision, or a charitable organization, to provide

1 health care or related services inside or outside of the district.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.