

1-1 By: Swinford (Senate Sponsor - Seliger) H.B. No. 4035
1-2 (In the Senate - Received from the House May 9, 2007;
1-3 May 10, 2007, read first time and referred to Committee on Health
1-4 and Human Services; May 21, 2007, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 21, 2007, sent to printer.)

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

1-8 relating to the authority of the board of directors of the Moore
1-9 County Hospital District to employ health care providers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 5, Chapter 287, Acts of the 61st
1-12 Legislature, Regular Session, 1969, is amended to read as follows:

1-13 Sec. 5. The board of directors shall manage, control, and
1-14 administer the hospital system and all funds and resources of the
1-15 district, but in no event shall any operating, depreciation, or
1-16 building fund reserves be invested in any funds or securities
1-17 authorized by law, including Chapter 2256, Government Code. The
1-18 board is given full authority to establish rules and regulations
1-19 relating to seniority of employees of the district, including a
1-20 retirement plan based thereon, and may give effect to previous
1-21 years of service for those employees who have been continuously
1-22 employed in the operation or management of the hospital facilities
1-23 acquired, including those acquired upon the creation thereof by
1-24 reason of Section 2 of this Act, or constructed by the district.
1-25 The district, through its board of directors, shall have the power
1-26 and authority to sue and be sued, and shall be entitled to all
1-27 causes of action and defenses enjoyed by similar authorities, to
1-28 promulgate rules and regulations governing the operation of the
1-29 hospital, hospital system, its staff, and its employees. The board
1-30 of directors shall appoint a qualified person to be known as the
1-31 administrator or manager of the hospital district and may in its
1-32 discretion appoint an assistant to the administrator or manager.
1-33 Such administrator or manager and assistant administrator or
1-34 manager, if any, shall serve at the will of the board and shall
1-35 receive such compensation as may be fixed by the board. The
1-36 administrator or manager shall, upon assuming his duties, execute a
1-37 bond payable to the hospital district in an amount to be set by the
1-38 board of directors, in no event less than \$500,000 conditioned that
1-39 he shall perform the duties required of him, and containing such
1-40 other conditions as the board may require. The administrator or
1-41 manager shall supervise all the work and activities of the district
1-42 and shall have general direction of the affairs of the district,
1-43 subject to the limitations as may be prescribed by the board. The
1-44 board of directors shall have the authority to appoint to the staff
1-45 such doctors as it may be deemed necessary for the efficient
1-46 operation of the district, and may provide for temporary
1-47 appointments to the staff if warranted by circumstances. The board
1-48 may employ physicians or other health care providers as the board
1-49 considers necessary for the efficient operation of the district.
1-50 This section does not authorize the board to supervise or control
1-51 the practice of medicine, as prohibited by Subtitle B, Title 3,
1-52 Occupations Code. The board may delegate to the administrator or
1-53 manager the authority to employ technicians, nurses, and employees
1-54 of the district other than physicians. Such board shall be
1-55 authorized to contract with any other public or private entity,
1-56 including a county, municipality, hospital district, or any other
1-57 political subdivision, or a charitable organization, to provide
1-58 health care or related services inside or outside of the district.

1-59 SECTION 2. This Act takes effect immediately if it receives
1-60 a vote of two-thirds of all the members elected to each house, as
1-61 provided by Section 39, Article III, Texas Constitution. If this
1-62 Act does not receive the vote necessary for immediate effect, this
1-63 Act takes effect September 1, 2007.

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