

BILL ANALYSIS

C.S.S.B. 98
By: Lucio
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The South Texas border region recently has made strides in the development of professional health education with the opening of the Irma Rangel Pharmacy school at Texas A&M Kingsville and the development of the Regional Academic Health Center, with facilities at The University of Texas (UT) at Brownsville, UT-Pan American, and in Harlingen. The interest shown in these educational facilities illustrates the desire of the fast-growing population in the South Texas border region to pursue professional degree programs. There is a great need for health care providers in the South Texas region. Establishing the first medical school in South Texas will provide an opportunity for local university graduates to attend professional school. The establishment of The University of Texas Health Science Center—South Texas will increase medical research specific to the U.S.-Mexico border area, allow local residents to receive a complete medical education without having to travel to another part of the state, and help address the current medical provider shortage in the area through new faculty and residency positions.

C.S.S.B. 98 authorizes The University of Texas System board of regents to operate The University of Texas Health Science Center—South Texas as a component institution of the system.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to The University of Texas System board of regents in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 98 amends the Education Code to authorize The University of Texas System board of regents to operate The University of Texas Health Science Center—South Texas as a component institution of the system with its main campus and administrative offices in Cameron County. The bill authorizes the health science center to consist of a medical school as well as other health-related degree programs and facilities that the board of regents considers appropriate. The bill authorizes the board of regents to include facilities located in certain South Texas counties in the health science center and to operate programs and activities and provide related services in those counties. The bill authorizes, if the health science center is established, the establishment of The University of Texas Medical School—South Texas as a component of the health science center and as a component institution of the system under the management and control of the board of regents. The bill entitles the health science center and the medical school, if either institution is established, to participate in the available university fund, contingent on the bill receiving the necessary two-thirds vote of the legislature as required by the constitutional provisions relating to an institution's eligibility to participate in that fund. The bill authorizes the board of regents to prescribe courses leading to customary degrees and to adopt rules for the operation, control, and management of the health science center. The bill authorizes the board of regents to execute and carry out affiliation or coordination agreements with any other entity or institution in the region and to make joint appointments in the health science center, its component institutions, and other institutions under the board's governance, setting forth a requirement for apportionment of the salary of a person who receives a joint appointment based

on services rendered. The bill authorizes the board of regents to accept and administer gifts and grants from any public or private person or entity for the use and benefit of the health science center and its component institutions and provides that the establishment of the health science center is subject to the availability of funding, either through appropriations or from another source. The bill authorizes the board of regents to enter into agreements under which additional facilities used in the center's teaching and research programs may be provided by a public or private entity. The bill provides that a teaching hospital considered suitable by the board of regents for the health science center may be provided by a public or private entity but prohibits the use of state funds for the hospital's construction, operation, or maintenance. The bill makes the health science center subject to the Texas Higher Education Coordinating Board's continuing supervision and to coordinating board rules.

C.S.S.B. 98 authorizes the board of regents to convert the Lower Rio Grande Valley Academic Health Center into The University of Texas Health Science Center—South Texas and to establish The University of Texas Medical School—South Texas at the health science center as soon as the board considers appropriate, considering available resources and the best interests of the system and the people of Texas and the South Texas region. The bill sets forth the legislative intent that the health science center be established by the conversion of the regional academic health center and that those entities be considered the same institution with respect to a reference in law to the regional academic health center and with respect to all system contracts, agreements, and financial obligations relating to the regional academic health center, and the bill requires the board of regents to ensure that the programs, students, and staff of the regional academic health center are not affected other than as the board considers necessary. The bill transfers the permanent endowment fund established for the benefit of the regional academic health center to the benefit of the health science center and its component institutions when the health science center is established and establishes legislative intent that the transfer of the permanent endowment fund be made so as not to interrupt the research or other programs supported by the fund.

C.S.S.B. 98 establishes that bonds authorized or issued for the academic health center are considered to have been authorized or issued for The University of Texas Health Science Center—South Texas and its component institutions if the health science center is established.

C.S.S.B. 98 adds the health science center and its component institutions, if established, to the definition of "medical and dental unit" for purposes of the Higher Education Coordinating Act of 1965, to the list of institutions eligible to receive funds from the permanent health fund for higher education, and to the list of component institutions and entities of The University of Texas System.

C.S.S.B. 98 prohibits funds for a fiscal biennium ending on or before August 31, 2015 from being appropriated for the purposes of the health science center.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 98 removes a provision included in the original establishing that the bill's provisions do not make an appropriation and that the bill takes effect only if a specific appropriation for the implementation of the provisions of the bill is provided in a general appropriations act of the 81st Legislature.