

By: Coleman

H.B. No. 2712

A BILL TO BE ENTITLED

AN ACT

relating to ambulatory surgical centers and to the provision of services at those centers by certain designated physician groups.

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

SECTION 1. Section 243.002, Health and Safety Code, is amended by amending Subdivision (3) and adding Subdivisions (5), (6), and (7) to read as follows:

(3) "Department" means the [~~Texas~~] Department of State Health Services.

(5) "Designated physician group" means any business entity formed exclusively by one or more physicians licensed to practice medicine in this state, including a professional association, a professional corporation, a professional limited liability company, or a professional limited liability partnership, that has entered into a use agreement.

(6) "Facility" means the physical premises that the department determines constitutes an ambulatory surgical center.

(7) "Use agreement" means a written executed agreement between a licensed ambulatory surgical center and a designated physician group under which the ambulatory surgical center allows the designated physician group to use its facility to provide ambulatory surgical center services on a full-time or part-time basis to the designated physician group's patients.

SECTION 2. The heading to Section 243.003, Health and

1 Safety Code, is amended to read as follows:

2 Sec. 243.003. LICENSE REQUIRED; USE AGREEMENTS.

3 SECTION 3. Section 243.003, Health and Safety Code, is  
4 amended by amending Subsection (c) and adding Subsection (d) to  
5 read as follows:

6 (c) Except as provided by Subsection (d), a [A] license is  
7 not transferable or assignable.

8 (d) An ambulatory surgical center may share its license  
9 under a sublicense agreement with one or more designated physician  
10 groups that is entered into under the terms of a use agreement, if  
11 the ambulatory surgical center remains responsible for ensuring  
12 that the facility and all surgical and other ambulatory surgical  
13 center services provided in the facility by any designated  
14 physician group complies with this chapter and applicable  
15 department rules.

16 SECTION 4. Section 843.002, Insurance Code, is amended by  
17 adding Subdivision (1-a) and amending Subdivision (24) to read as  
18 follows:

19 (1-a) "Ambulatory surgical center" means a facility  
20 licensed under Chapter 243, Health and Safety Code.

21 (24) "Provider" means:

22 (A) a person, other than a physician, who is  
23 licensed or otherwise authorized to provide a health care service  
24 in this state, including:

25 (i) a chiropractor, registered nurse,  
26 pharmacist, optometrist, registered optician, or acupuncturist;

27 or

1 (ii) a pharmacy, hospital, ambulatory  
2 surgical center, or other institution or organization;

3 (B) a person who is wholly owned or controlled by  
4 a provider or by a group of providers who are licensed or otherwise  
5 authorized to provide the same health care service; or

6 (C) a person who is wholly owned or controlled by  
7 one or more hospitals and physicians, including a  
8 physician-hospital organization.

9 SECTION 5. Section 1301.001, Insurance Code, is amended by  
10 amending Subdivisions (1) and (4) and adding Subdivision (1-a) to  
11 read as follows:

12 (1) "Ambulatory surgical center" means a facility  
13 licensed under Chapter 243, Health and Safety Code.

14 (1-a) "Health care provider" means a practitioner,  
15 institutional provider, or other person or organization that  
16 furnishes health care services and that is licensed or otherwise  
17 authorized to practice in this state. The term does not include a  
18 physician.

19 (4) "Institutional provider" means an ambulatory  
20 surgical center, a hospital, a nursing home, or another [~~other~~]  
21 medical or health-related service facility that provides care for  
22 the sick or injured or other care that may be covered in a health  
23 insurance policy.

24 SECTION 6. Section 401.011, Labor Code, is amended by  
25 adding Subdivision (4-a) and amending Subdivision (20) to read as  
26 follows:

27 (4-a) "Ambulatory surgical center" means a facility

1 licensed under Chapter 243, Health and Safety Code.

2 (20) "Health care facility" means a hospital,  
3 ambulatory surgical center, emergency clinic, outpatient clinic,  
4 or other facility providing health care.

5 SECTION 7. The change in law made by this Act applies only  
6 to a use agreement under Section 243.003, Health and Safety Code, as  
7 amended by this Act, that is entered into on or after the effective  
8 date of this Act. A use agreement entered into before the effective  
9 date of this Act is governed by the law in effect immediately before  
10 that date, and that law is continued in effect for that purpose.

11 SECTION 8. This Act takes effect September 1, 2009.