

By: Branch, Cohen, Zerwas, Kolchorst, Pitts

H.B. No. 3456

A BILL TO BE ENTITLED

AN ACT

relating to the education and preparation of resident physicians.

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

SECTION 1. Section 61.097, Education Code, is amended to read as follows:

Sec. 61.097. CONTRACTS WITH RESPECT TO RESIDENT PHYSICIANS. (a) The board shall contract with ~~the~~ Baylor College of Medicine for the administration, direction, and performance of services necessary or proper to the education, training, development, and preparation of resident physicians for a career in medicine. ~~[Included in those services shall be the payment and furnishing by the medical school to the resident physicians of all compensation that has previously been paid or furnished by the hospital or hospitals in which the resident physicians have been educated and trained.]~~

(b) ~~[In Sections 61.097 and 61.098 of this code:~~

~~[(1) "Resident physician" means a person who is appointed a resident physician by the Baylor College of Medicine and who:~~

~~[(A) has received a Doctor of Medicine or a Doctor of Osteopathic Medicine degree from the Baylor College of Medicine or from one of the schools of medicine listed in Section 58.001 of this code; or~~

~~[(B) is a citizen of Texas and has received a~~

1 ~~Doctor of Medicine or a Doctor of Osteopathic Medicine degree from~~  
2 ~~some other school of medicine that is accredited by the Liaison~~  
3 ~~Committee on Medical Education or by the Bureau of Professional~~  
4 ~~Education of the American Osteopathic Association.~~

5 ~~[(2) "Primary teaching hospital" is a hospital at~~  
6 ~~which the Baylor College of Medicine educates and trains both~~  
7 ~~resident physicians and undergraduate medical students.~~

8 ~~[(3) "Compensation" includes stipends; payments, if~~  
9 ~~any, for services rendered; and fringe benefits when applied to~~  
10 ~~payments to or for the benefit of resident physicians.~~

11 ~~[(c) A person may not be considered a resident physician for~~  
12 ~~a period of time longer than is ordinarily and customarily required~~  
13 ~~for a resident physician to complete a medical specialty program~~  
14 ~~approved by the Accrediting Council on Graduate Medical Education~~  
15 ~~for the specialty in which the resident physician seeks~~  
16 ~~certification as a diplomate and to obtain the certification from~~  
17 ~~the appropriate board or agency approved by the American Board of~~  
18 ~~Medical Specialties.~~

19 ~~[(d) Notwithstanding the provisions of Subsection (c) of~~  
20 ~~this section, a person may not be considered a resident physician~~  
21 ~~under this section for a period of time longer than four years.~~

22 ~~[(e) The total number of the first-year resident physicians~~  
23 ~~compensated under this section and Chapter 58 of this code may not~~  
24 ~~exceed the combined total number of persons in the previous year's~~  
25 ~~graduating classes of the schools listed in Section 58.001 of this~~  
26 ~~code and the Baylor College of Medicine. The Baylor College of~~  
27 ~~Medicine shall give priority consideration to applicants who~~

1 ~~demonstrate a willingness to practice in medically underserved~~  
2 ~~areas of Texas.~~

3 ~~[(f) It is the intent of this section that eventually at~~  
4 ~~least 50 percent of the first-year resident physicians appointed by~~  
5 ~~medical schools shall be in the primary care areas of family~~  
6 ~~medicine, internal medicine, pediatrics, geriatrics, and~~  
7 ~~obstetrics/gynecology, with 25 percent of those residents in family~~  
8 ~~practice.~~

9 ~~[(g)]~~ In the exercise of the authority under Subsection (a)  
10 ~~[of this section],~~ the board shall disburse to ~~[the]~~ Baylor College  
11 of Medicine the money ~~[, out of funds]~~ appropriated by the  
12 legislature to the board for that purpose ~~[, an amount not to exceed~~  
13 ~~\$15,000 per fiscal year of disbursement for each resident physician~~  
14 ~~appointed by the school for that year]~~. The money disbursed to  
15 Baylor College of Medicine under this section shall be spent by the  
16 school exclusively for the education, training, development, and  
17 preparation of resident physicians for a career in medicine ~~[The~~  
18 ~~board shall establish, by contract with the Baylor College of~~  
19 ~~Medicine, the method by which the disbursement shall be~~  
20 ~~accomplished. The funds authorized by this section are separate~~  
21 ~~from and in addition to the funds authorized in Sections 61.092 and~~  
22 ~~61.093 of this code].~~

23 SECTION 2. Sections 61.098 and 61.099, Education Code, are  
24 repealed.

25 SECTION 3. The change in law made by this Act applies only  
26 to a contract entered into or renewed under Section 61.097,  
27 Education Code, on or after the effective date of this Act. A

1 contract entered into or renewed under that section before the  
2 effective date of this Act is governed by the law in effect when the  
3 contract was entered into or renewed, and the former law is  
4 continued in effect for that purpose.

5 SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2009.