

1-1 By: Branch, et al. (Senate Sponsor - Zaffirini) H.B. No. 3456  
1-2 (In the Senate - Received from the House April 16, 2009;  
1-3 April 24, 2009, read first time and referred to Committee on Higher  
1-4 Education; April 29, 2009, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; April 29, 2009, sent to printer.)

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

1-8 relating to the education and preparation of resident physicians.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 61.097, Education Code, is amended to  
1-11 read as follows:

1-12 Sec. 61.097. CONTRACTS WITH RESPECT TO RESIDENT  
1-13 PHYSICIANS. (a) The board shall contract with [the] Baylor  
1-14 College of Medicine for the administration, direction, and  
1-15 performance of services necessary or proper to the education,  
1-16 training, development, and preparation of resident physicians for a  
1-17 career in medicine. [~~Included in those services shall be the  
1-18 payment and furnishing by the medical school to the resident  
1-19 physicians of all compensation that has previously been paid or  
1-20 furnished by the hospital or hospitals in which the resident  
1-21 physicians have been educated and trained.~~]

1-22 (b) [~~In Sections 61.097 and 61.098 of this code:~~

1-23 [~~(1) "Resident physician" means a person who is  
1-24 appointed a resident physician by the Baylor College of Medicine  
1-25 and who:~~

1-26 [~~(A) has received a Doctor of Medicine or a  
1-27 Doctor of Osteopathic Medicine degree from the Baylor College of  
1-28 Medicine or from one of the schools of medicine listed in Section  
1-29 58.001 of this code; or~~

1-30 [~~(B) is a citizen of Texas and has received a  
1-31 Doctor of Medicine or a Doctor of Osteopathic Medicine degree from  
1-32 some other school of medicine that is accredited by the Liaison  
1-33 Committee on Medical Education or by the Bureau of Professional  
1-34 Education of the American Osteopathic Association.~~

1-35 [~~(2) "Primary teaching hospital" is a hospital at  
1-36 which the Baylor College of Medicine educates and trains both  
1-37 resident physicians and undergraduate medical students.~~

1-38 [~~(3) "Compensation" includes stipends, payments, if  
1-39 any, for services rendered, and fringe benefits when applied to  
1-40 payments to or for the benefit of resident physicians.~~

1-41 [~~(c) A person may not be considered a resident physician for  
1-42 a period of time longer than is ordinarily and customarily required  
1-43 for a resident physician to complete a medical specialty program  
1-44 approved by the Accrediting Council on Graduate Medical Education  
1-45 for the specialty in which the resident physician seeks  
1-46 certification as a diplomate and to obtain the certification from  
1-47 the appropriate board or agency approved by the American Board of  
1-48 Medical Specialties.~~

1-49 [~~(d) Notwithstanding the provisions of Subsection (c) of  
1-50 this section, a person may not be considered a resident physician  
1-51 under this section for a period of time longer than four years.~~

1-52 [~~(e) The total number of the first-year resident physicians  
1-53 compensated under this section and Chapter 58 of this code may not  
1-54 exceed the combined total number of persons in the previous year's  
1-55 graduating classes of the schools listed in Section 58.001 of this  
1-56 code and the Baylor College of Medicine. The Baylor College of  
1-57 Medicine shall give priority consideration to applicants who  
1-58 demonstrate a willingness to practice in medically underserved  
1-59 areas of Texas.~~

1-60 [~~(f) It is the intent of this section that eventually at  
1-61 least 50 percent of the first-year resident physicians appointed by  
1-62 medical schools shall be in the primary care areas of family  
1-63 medicine, internal medicine, pediatrics, geriatrics, and  
1-64 obstetrics/gynecology, with 25 percent of those residents in family~~

2-1 practice.

2-2 [~~(g)~~] In the exercise of the authority under Subsection (a)  
2-3 [~~of this section~~], the board shall disburse to [~~the~~] Baylor College  
2-4 of Medicine the money [~~, out of funds~~] appropriated by the  
2-5 legislature to the board for that purpose [~~, an amount not to exceed~~  
2-6 ~~\$15,000 per fiscal year of disbursement for each resident physician~~  
2-7 ~~appointed by the school for that year~~]. The money disbursed to  
2-8 Baylor College of Medicine under this section shall be spent by the  
2-9 school exclusively for the education, training, development, and  
2-10 preparation of resident physicians for a career in medicine [~~The~~  
2-11 ~~board shall establish, by contract with the Baylor College of~~  
2-12 ~~Medicine, the method by which the disbursement shall be~~  
2-13 ~~accomplished. The funds authorized by this section are separate~~  
2-14 ~~from and in addition to the funds authorized in Sections 61.092 and~~  
2-15 ~~61.093 of this code~~].

2-16 SECTION 2. Sections 61.098 and 61.099, Education Code, are  
2-17 repealed.

2-18 SECTION 3. The change in law made by this Act applies only  
2-19 to a contract entered into or renewed under Section 61.097,  
2-20 Education Code, on or after the effective date of this Act. A  
2-21 contract entered into or renewed under that section before the  
2-22 effective date of this Act is governed by the law in effect when the  
2-23 contract was entered into or renewed, and the former law is  
2-24 continued in effect for that purpose.

2-25 SECTION 4. This Act takes effect immediately if it receives  
2-26 a vote of two-thirds of all the members elected to each house, as  
2-27 provided by Section 39, Article III, Texas Constitution. If this  
2-28 Act does not receive the vote necessary for immediate effect, this  
2-29 Act takes effect September 1, 2009.

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