

1-1 By: West S.B. No. 1705
1-2 (In the Senate - Filed March 10, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 17, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 17, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1705 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority and policies and procedures of the Dallas
1-11 County Hospital District with regard to appointing, contracting
1-12 for, or employing physicians, dentists, and other health care
1-13 providers.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-15 SECTION 1. Subchapter B, Chapter 281, Health and Safety
1-16 Code, is amended by adding Section 281.0282 to read as follows:

1-17 Sec. 281.0282. DALLAS COUNTY HOSPITAL DISTRICT; EMPLOYMENT
1-18 OF HEALTH CARE PROVIDERS AND PHYSICIANS. (a) The board of the
1-19 Dallas County Hospital District may appoint, contract for, or
1-20 employ physicians, dentists, and other health care providers as the
1-21 board considers necessary for the efficient operation of the
1-22 district.

1-23 (b) The term of an employment contract entered into under
1-24 this section may not exceed four years.

1-25 (c) This section may not be construed as authorizing the
1-26 board of the Dallas County Hospital District to supervise or
1-27 control the practice of medicine, as prohibited by Subtitle B,
1-28 Title 3, Occupations Code.

1-29 (d) The authority granted to the board of the Dallas County
1-30 Hospital District under Subsection (a) to employ physicians shall
1-31 apply only as necessary for the district to fulfill the district's
1-32 statutory mandate to provide medical and dental care for the
1-33 indigent and needy residents of the district as provided by Section
1-34 281.046.

1-35 (e) The Dallas County Hospital District shall establish a
1-36 committee consisting of at least five actively practicing
1-37 physicians who provide care in the district. The committee shall
1-38 approve existing policies or adopt new policies, if no policies
1-39 exist, to ensure that a physician who is employed by the district is
1-40 exercising the physician's independent medical judgment in
1-41 providing care to patients.

1-42 (f) The chair of the committee must be a member of the
1-43 executive committee of the Dallas County Hospital District's
1-44 medical staff.

1-45 (g) The policies adopted or approved by the committee shall
1-46 include policies relating to credentialing, quality assurance,
1-47 utilization review, peer review, medical decision-making,
1-48 governance of the committee, and due process.

1-49 (h) Each member of a committee shall provide biennially to
1-50 the chief medical officer of the Dallas County Hospital District a
1-51 signed, verified statement indicating that the committee member:

1-52 (1) is licensed by the Texas Medical Board;

1-53 (2) will exercise independent medical judgment in all
1-54 committee matters, including matters relating to credentialing,
1-55 quality assurance, utilization review, peer review, medical
1-56 decision-making, and due process;

1-57 (3) will exercise the committee member's best efforts
1-58 to ensure compliance with the Dallas County Hospital District's
1-59 policies that are adopted or established by the committee; and

1-60 (4) will report immediately to the Texas Medical Board
1-61 any action or event that the committee member reasonably and in good
1-62 faith believes constitutes a compromise of the independent medical
1-63 judgment of a physician in caring for a patient.

2-1 (i) The committee shall adopt rules requiring the
2-2 disclosure of financial conflicts of interest by a committee
2-3 member.

2-4 (j) For all matters relating to the practice of medicine,
2-5 each physician employed by the board shall ultimately report to the
2-6 chief medical officer of the Dallas County Hospital District.

2-7 SECTION 2. This Act takes effect immediately if it receives
2-8 a vote of two-thirds of all the members elected to each house, as
2-9 provided by Section 39, Article III, Texas Constitution. If this
2-10 Act does not receive the vote necessary for immediate effect, this
2-11 Act takes effect September 1, 2009.

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