

By: Uresti

S.B. No. 2077

A BILL TO BE ENTITLED

AN ACT

relating to physician residency programs, including physicians shortage residency programs and oncology training in certain residency programs.

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

SECTION 1. Chapter 61, Education Code, is amended by adding Subchapter I-1 to read as follows:

SUBCHAPTER I-1. CONTRACTS FOR PHYSICIAN SHORTAGE RESIDENCY PROGRAMS

Sec. 61.511. DEFINITIONS. As used in this subchapter:

(1) "Medical school" means a medical school that is part of The University of Texas System, the Texas Tech University System, The Texas A&M University System, the University of North Texas System, or the Baylor College of Medicine.

(2) "Approved physician shortage residency training program" means a graduate medical education program that is operated by a medical school, licensed hospital, or nonprofit corporation and that has been approved for training physicians in a shortage area identified by the Physician Shortage Residency Advisory Committee.

Sec. 61.512. CONTRACTS. The board may contract with a medical school, licensed hospital, or nonprofit corporation for the purpose of establishing and operating an approved physician shortage residency training program and may compensate the medical

1 school, licensed hospital, or nonprofit corporation on a formula
2 approved by the board based upon the number of resident physicians
3 in the training program.

4 Sec. 61.513. RULES. The board shall adopt rules to
5 implement this subchapter.

6 Sec. 61.514. DISBURSEMENTS. (a) Pursuant to a contract,
7 the board may disburse through the designated project director to a
8 medical school, licensed hospital, or nonprofit corporation funds
9 for the purpose of the graduate training of physicians in an
10 approved physician shortage residency training program. The
11 project director of the residency program shall, in accordance with
12 such rules as the board may adopt, make timely reports directly to
13 the board concerning the development and progress of the residency
14 training program.

15 (b) The board may establish by contract the method or manner
16 of the disbursement to the project director.

17 Sec. 61.515. ADVISORY COMMITTEE. (a) The Physician
18 Shortage Residency Advisory Committee is created and shall consist
19 of nine members, as follows:

20 (1) one member shall be a licensed physician appointed
21 by the Texas Osteopathic Medical Association;

22 (2) two members shall be administrators of hospitals
23 and shall be appointed by the Texas Hospital Association;

24 (3) two members shall be licensed physicians appointed
25 by the Texas Medical Association;

26 (4) three members of the public shall be appointed to
27 the committee by the governor; and

1 (5) one member representing the statewide health
2 coordinating council as determined by the chair of the council.

3 (b) The terms of office of each member shall be for three
4 years. Each member shall serve until a replacement has been
5 appointed to the committee.

6 (c) The members of the committee serve without
7 compensation, but shall be reimbursed by the board for actual
8 expenses incurred in the performance of duties as members of the
9 committee.

10 (d) The committee shall meet at least annually and so often
11 as requested by the board or called into meeting by the chairman.

12 (e) The chairman shall be elected by the members of the
13 committee for one year.

14 (f) The committee shall:

15 (1) review data from the statewide health coordinating
16 council and other resources to determine the physician shortages in
17 Texas;

18 (2) review for the board applications for approval and
19 funding of residency training programs and related support
20 programs;

21 (3) make recommendations to the board relating to the
22 disbursement of funds under this subchapter based on the following
23 criteria:

24 (A) residency programs which would expand
25 training opportunities in medical specialty areas in which there is
26 a shortage in Texas;

27 (B) residency programs which would be located in

1 medically underserved communities in Texas;

2 (C) residency programs in specialty areas in
3 which a substantial number of graduates of Texas medical schools
4 have left the state of Texas to pursue such training; or

5 (D) residency programs which would undertake
6 innovative approaches to residency training, including extensive
7 use of ambulatory facilities or the creation of medical homes for
8 patients; and

9 (4) perform such other duties as may be directed by the
10 board.

11 Sec. 61.516. FUNDING. The board may:

12 (1) receive and expend appropriations for purposes of
13 this subchapter, including funds generated by fees under Chapter
14 153, Occupations Code, in excess of the funds needed for the
15 purposes authorized by Section 153.052, Occupations Code; and

16 (2) accept gifts, grants, and donations of real or
17 personal property from any entity, subject to limitations or
18 conditions set by law, for the purposes of this subchapter.

19 Sec. 61.517. CONTRACTS SUBJECT TO AVAILABLE FUNDS.
20 Notwithstanding any other provision of this subchapter, the board
21 may not enter into a contract under this subchapter with respect to
22 an approved physician shortage residency training program unless
23 the board requests certification and the comptroller certifies that
24 the amount of appropriations or other money available for that
25 purpose equals or exceeds \$3 million. The comptroller shall
26 publish the certification in the Texas Register.

27 SECTION 2. The heading to Subchapter I, Chapter 61,

1 Education Code, is amended to read as follows:

2 SUBCHAPTER I. CONTRACTS FOR FAMILY PRACTICE [~~MEDICAL~~] RESIDENCY
3 PROGRAMS

4 SECTION 3. Subsection (b), Section 51.918, Education Code,
5 is amended to read as follows:

6 (b) The Texas Higher Education Coordinating Board shall:

7 (1) encourage and coordinate the creation or expansion
8 of a rural preceptor program among medical schools, teaching
9 hospitals, nursing schools, and schools of allied health sciences;
10 and

11 (2) require family practice residency programs to
12 provide an opportunity for residents to have a one-month rotation
13 through:

14 (A) a rural setting; [~~and~~]

15 (B) a public health setting; and

16 (C) an oncology setting.

17 SECTION 4. The Texas Higher Education Coordinating Board
18 shall adopt rules to implement Subchapter I-1, Chapter 61,
19 Education Code, as added by this Act, not later than January 1,
20 2010.

21 SECTION 5. This Act does not make an appropriation. A
22 provision in this Act that creates a new governmental program,
23 creates a new entitlement, or imposes a new duty on a governmental
24 entity is not mandatory during a fiscal period for which the
25 legislature has not made a specific appropriation to implement the
26 provision.

27 SECTION 6. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.