

1-1 By: Uresti S.B. No. 2077
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Higher Education;
1-4 May 11, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; May 11, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2077 By: Duncan

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

1-10 relating to physician shortage residency programs.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Chapter 61, Education Code, is amended by adding
1-13 Subchapter I-1 to read as follows:

1-14 SUBCHAPTER I-1. CONTRACTS FOR PHYSICIAN SHORTAGE RESIDENCY
1-15 PROGRAMS

1-16 Sec. 61.511. DEFINITIONS. As used in this subchapter:

1-17 (1) "Medical school" means a medical school that is
1-18 part of The University of Texas System, the Texas Tech University
1-19 System, The Texas A&M University System, the University of North
1-20 Texas System, or the Baylor College of Medicine.

1-21 (2) "Approved physician shortage residency training
1-22 program" means a graduate medical education program that is
1-23 operated by a medical school, licensed hospital, or nonprofit
1-24 corporation and that has been approved for training physicians in a
1-25 shortage area identified by the Physician Shortage Residency
1-26 Advisory Committee.

1-27 Sec. 61.512. CONTRACTS. The board may contract with a
1-28 medical school, licensed hospital, or nonprofit corporation for the
1-29 purpose of establishing and operating an approved physician
1-30 shortage residency training program and may compensate the medical
1-31 school, licensed hospital, or nonprofit corporation on a formula
1-32 approved by the board based upon the number of resident physicians
1-33 in the training program.

1-34 Sec. 61.513. RULES. The board shall adopt rules to
1-35 implement this subchapter.

1-36 Sec. 61.514. DISBURSEMENTS. (a) Pursuant to a contract,
1-37 the board may disburse through the designated project director to a
1-38 medical school, licensed hospital, or nonprofit corporation funds
1-39 for the purpose of the graduate training of physicians in an
1-40 approved physician shortage residency training program. The
1-41 project director of the residency program shall, in accordance with
1-42 such rules as the board may adopt, make timely reports directly to
1-43 the board concerning the development and progress of the residency
1-44 training program.

1-45 (b) The board may establish by contract the method or manner
1-46 of the disbursement to the project director.

1-47 Sec. 61.515. ADVISORY COMMITTEE. (a) The Physician
1-48 Shortage Residency Advisory Committee is created and shall consist
1-49 of nine members, as follows:

1-50 (1) one member shall be a licensed physician appointed
1-51 by the Texas Osteopathic Medical Association;

1-52 (2) two members shall be administrators of hospitals
1-53 and shall be appointed by the Texas Hospital Association;

1-54 (3) two members shall be licensed physicians appointed
1-55 by the Texas Medical Association;

1-56 (4) three members of the public shall be appointed to
1-57 the committee by the governor; and

1-58 (5) one member representing the statewide health
1-59 coordinating council as determined by the chair of the council.

1-60 (b) The terms of office of each member shall be for three
1-61 years. Each member shall serve until a replacement has been
1-62 appointed to the committee.

1-63 (c) The members of the committee serve without

2-1 compensation, but shall be reimbursed by the board for actual
2-2 expenses incurred in the performance of duties as members of the
2-3 committee.

2-4 (d) The committee shall meet at least annually and so often
2-5 as requested by the board or called into meeting by the chairman.

2-6 (e) The chairman shall be elected by the members of the
2-7 committee for one year.

2-8 (f) The committee shall:

2-9 (1) review data from the statewide health coordinating
2-10 council and other resources to determine the physician shortages in
2-11 Texas;

2-12 (2) review for the board applications for approval and
2-13 funding of residency training programs and related support
2-14 programs;

2-15 (3) make recommendations to the board relating to the
2-16 disbursement of funds under this subchapter based on the following
2-17 criteria:

2-18 (A) residency programs which would expand
2-19 training opportunities in medical specialty areas in which there is
2-20 a shortage in Texas;

2-21 (B) residency programs which would be located in
2-22 medically underserved communities in Texas;

2-23 (C) residency programs in specialty areas in
2-24 which a substantial number of graduates of Texas medical schools
2-25 have left the state of Texas to pursue such training; or

2-26 (D) residency programs which would undertake
2-27 innovative approaches to residency training, including extensive
2-28 use of ambulatory facilities or the creation of medical homes for
2-29 patients; and

2-30 (4) perform such other duties as may be directed by the
2-31 board.

2-32 Sec. 61.516. FUNDING. The board may:

2-33 (1) receive and expend appropriations for purposes of
2-34 this subchapter, including funds generated by fees under Chapter
2-35 153, Occupations Code, in excess of the funds needed for the
2-36 purposes authorized by Section 153.052, Occupations Code; and

2-37 (2) accept gifts, grants, and donations of real or
2-38 personal property from any entity, subject to limitations or
2-39 conditions set by law, for the purposes of this subchapter.

2-40 SECTION 2. The heading to Subchapter I, Chapter 61,
2-41 Education Code, is amended to read as follows:

2-42 SUBCHAPTER I. CONTRACTS FOR FAMILY PRACTICE ~~[MEDICAL]~~ RESIDENCY
2-43 PROGRAMS

2-44 SECTION 3. The Texas Higher Education Coordinating Board
2-45 shall adopt rules to implement Subchapter I-1, Chapter 61,
2-46 Education Code, as added by this Act, not later than January 1,
2-47 2010.

2-48 SECTION 4. This Act does not make an appropriation. A
2-49 provision in this Act that creates a new governmental program,
2-50 creates a new entitlement, or imposes a new duty on a governmental
2-51 entity is not mandatory during a fiscal period for which the
2-52 legislature has not made a specific appropriation to implement the
2-53 provision.

2-54 SECTION 5. This Act takes effect immediately if it receives
2-55 a vote of two-thirds of all the members elected to each house, as
2-56 provided by Section 39, Article III, Texas Constitution. If this
2-57 Act does not receive the vote necessary for immediate effect, this
2-58 Act takes effect September 1, 2009.

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