

AN ACT

relating to the authority of certain local governmental entities in certain populous counties to appoint, contract for, or employ physicians.

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

SECTION 1. Subchapter B, Chapter 281, Health and Safety Code, is amended by adding Section 281.0283 to read as follows:

Sec. 281.0283. HARRIS COUNTY HOSPITAL DISTRICT; EMPLOYMENT OF PHYSICIANS. (a) The board of the Harris County Hospital District may appoint, contract for, or employ physicians as the board considers necessary for the efficient operation of the district.

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

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

(d) The authority granted to the board of the Harris County Hospital District under Subsection (a) to employ physicians shall apply as necessary for the district to fulfill the district's statutory mandate to provide medical care for the indigent and needy residents of the district as provided by Section 281.046.

(e) The medical executive board of the Harris County

1 Hospital District shall adopt, maintain, and enforce policies to
2 ensure that a physician employed by the district exercises the
3 physician's independent medical judgment in providing care to
4 patients.

5 (f) The policies adopted by the medical executive board
6 under this section must include:

7 (1) policies relating to:

8 (A) governance of the medical executive board;

9 (B) credentialing;

10 (C) quality assurance;

11 (D) utilization review;

12 (E) peer review;

13 (F) medical decision-making; and

14 (G) due process; and

15 (2) rules requiring the disclosure of financial
16 conflicts of interest by a member of the medical executive board.

17 (g) The medical executive board and the board of the Harris
18 County Hospital District shall jointly develop and implement a
19 conflict management process to resolve any conflict between a
20 policy adopted by the medical executive board under this section
21 and a policy of the Harris County Hospital District.

22 (h) A member of the medical executive board who is a
23 physician shall provide biennially to the chair of the medical
24 executive board a signed, verified statement indicating that the
25 board member:

26 (1) is licensed by the Texas Medical Board;

27 (2) will exercise independent medical judgment in all

1 medical executive board matters, including matters relating to:

2 (A) credentialing;

3 (B) quality assurance;

4 (C) utilization review;

5 (D) peer review;

6 (E) medical decision-making; and

7 (F) due process;

8 (3) will exercise the board member's best efforts to
9 ensure compliance with the policies that are adopted or established
10 by the medical executive board; and

11 (4) will report immediately to the Texas Medical Board
12 any action or event that the board member reasonably and in good
13 faith believes constitutes a compromise of the independent medical
14 judgment of a physician in caring for a patient.

15 (i) For all matters relating to the practice of medicine,
16 each physician employed by the Harris County Hospital District
17 shall ultimately report to the chair of the medical executive board
18 for the district.

19 SECTION 2. Subchapter C, Chapter 351, Local Government
20 Code, is amended by adding Section 351.045 to read as follows:

21 Sec. 351.045. HEALTH CARE SERVICES IN CERTAIN COUNTIES;
22 EMPLOYMENT OF PHYSICIANS. (a) The commissioners court of a county
23 with a population of 3.3 million or more may appoint, contract for,
24 or employ physicians to provide health care services to inmates in
25 the custody of the sheriff.

26 (b) This section may not be construed as authorizing the
27 commissioners court to supervise or control the practice of

1 medicine, as prohibited by Subtitle B, Title 3, Occupations Code.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1568 was passed by the House on April 14, 2011, by the following vote: Yeas 139, Nays 3, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1568 on May 25, 2011, by the following vote: Yeas 143, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1568 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor