

1-1 By: Coleman (Senate Sponsor - Gallegos) H.B. No. 1568  
1-2 (In the Senate - Received from the House April 18, 2011;  
1-3 April 26, 2011, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 20, 2011, reported adversely,  
1-5 with favorable Committee Substitute by the following vote: Yeas 5,  
1-6 Nays 0; May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1568 By: Gallegos

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

1-10 relating to the authority of certain local governmental entities in  
1-11 certain populous counties to appoint, contract for, or employ  
1-12 physicians.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 281, Health and Safety  
1-15 Code, is amended by adding Section 281.0283 to read as follows:

1-16 Sec. 281.0283. HARRIS COUNTY HOSPITAL DISTRICT; EMPLOYMENT  
1-17 OF PHYSICIANS. (a) The board of the Harris County Hospital  
1-18 District may appoint, contract for, or employ physicians as the  
1-19 board considers necessary for the efficient operation of the  
1-20 district.

1-21 (b) The term of an employment contract entered into under  
1-22 this section may not exceed four years.

1-23 (c) This section may not be construed as authorizing the  
1-24 board of the Harris County Hospital District to supervise or  
1-25 control the practice of medicine, as prohibited by Subtitle B,  
1-26 Title 3, Occupations Code.

1-27 (d) The authority granted to the board of the Harris County  
1-28 Hospital District under Subsection (a) to employ physicians shall  
1-29 apply as necessary for the district to fulfill the district's  
1-30 statutory mandate to provide medical care for the indigent and  
1-31 needy residents of the district as provided by Section 281.046.

1-32 (e) The medical executive board of the Harris County  
1-33 Hospital District shall adopt, maintain, and enforce policies to  
1-34 ensure that a physician employed by the district exercises the  
1-35 physician's independent medical judgment in providing care to  
1-36 patients.

1-37 (f) The policies adopted by the medical executive board  
1-38 under this section must include:

1-39 (1) policies relating to:

1-40 (A) governance of the medical executive board;

1-41 (B) credentialing;

1-42 (C) quality assurance;

1-43 (D) utilization review;

1-44 (E) peer review;

1-45 (F) medical decision-making; and

1-46 (G) due process; and

1-47 (2) rules requiring the disclosure of financial  
1-48 conflicts of interest by a member of the medical executive board.

1-49 (g) The medical executive board and the board of the Harris  
1-50 County Hospital District shall jointly develop and implement a  
1-51 conflict management process to resolve any conflict between a  
1-52 policy adopted by the medical executive board under this section  
1-53 and a policy of the Harris County Hospital District.

1-54 (h) A member of the medical executive board who is a  
1-55 physician shall provide biennially to the chair of the medical  
1-56 executive board a signed, verified statement indicating that the  
1-57 board member:

1-58 (1) is licensed by the Texas Medical Board;

1-59 (2) will exercise independent medical judgment in all  
1-60 medical executive board matters, including matters relating to:

1-61 (A) credentialing;

1-62 (B) quality assurance;

1-63 (C) utilization review;

2-1 (D) peer review;  
 2-2 (E) medical decision-making; and  
 2-3 (F) due process;  
 2-4 (3) will exercise the board member's best efforts to  
 2-5 ensure compliance with the policies that are adopted or established  
 2-6 by the medical executive board; and  
 2-7 (4) will report immediately to the Texas Medical Board  
 2-8 any action or event that the board member reasonably and in good  
 2-9 faith believes constitutes a compromise of the independent medical  
 2-10 judgment of a physician in caring for a patient.

2-11 (i) For all matters relating to the practice of medicine,  
 2-12 each physician employed by the Harris County Hospital District  
 2-13 shall ultimately report to the chair of the medical executive board  
 2-14 for the district.

2-15 SECTION 2. Subchapter C, Chapter 351, Local Government  
 2-16 Code, is amended by adding Section 351.045 to read as follows:

2-17 Sec. 351.045. HEALTH CARE SERVICES IN CERTAIN COUNTIES;  
 2-18 EMPLOYMENT OF PHYSICIANS. (a) The commissioners court of a county  
 2-19 with a population of 3.3 million or more may appoint, contract for,  
 2-20 or employ physicians to provide health care services to inmates in  
 2-21 the custody of the sheriff.

2-22 (b) This section may not be construed as authorizing the  
 2-23 commissioners court to supervise or control the practice of  
 2-24 medicine, as prohibited by Subtitle B, Title 3, Occupations Code.

2-25 SECTION 3. 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, 2011.

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