

By: Hardcastle

H.B. No. 1990

Substitute the following for H.B. No. 1990:

By: Gonzales of Williamson

C.S.H.B. No. 1990

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the board of directors of the Hardeman
3 County Hospital District to employ physicians and other health care
4 providers.

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

6 SECTION 1. The heading to Section 1038.062, Special
7 District Local Laws Code, is amended to read as follows:

8 Sec. 1038.062. [~~APPOINTMENT AND RECRUITMENT OF~~] STAFF AND
9 EMPLOYEES.

10 SECTION 2. Section 1038.062, Special District Local Laws
11 Code, is amended by adding Subsections (a-1) and (e) and amending
12 Subsection (c) to read as follows:

13 (a-1) The board may employ physicians and other health care
14 providers as necessary for the efficient operation of the district.

15 (c) Except as otherwise provided by this subsection, the
16 [The] board may delegate to the district administrator the
17 authority to employ district employees, including technicians and
18 nurses. The board may not delegate to the district administrator
19 the authority to employ physicians.

20 (e) This section may not be construed as authorizing the
21 board to supervise or control the practice of medicine, as
22 prohibited by Subtitle B, Title 3, Occupations Code.

23 (f) The board may employ a physician and retain all or part
24 of the professional income generated by the physician for medical

1 services provided at the hospital and other health facilities owned
2 or operated by the hospital if the hospital satisfies the
3 requirements of this subchapter.

4 (g) The board shall:

5 (1) appoint a chief medical officer, who may be a
6 member of the hospital's medical staff; and

7 (2) adopt, maintain, and enforce policies to ensure
8 that a physician employed by the hospital exercises the physician's
9 independent medical judgment in providing care to patients at the
10 hospital.

11 (h) The policies adopted under this section must include:

12 (1) policies relating to:

13 (A) credentialing;

14 (B) quality assurance;

15 (C) utilization review;

16 (D) peer review; and

17 (E) medical decision-making; and

18 (2) the implementation of a complaint mechanism to
19 process and resolve complaints regarding interference or attempted
20 interference with a physician's independent medical judgment.

21 (i) The policies adopted under this section must be approved
22 by the chief medical officer of the hospital.

23 (j) For all matters relating to the practice of medicine,
24 each physician employed by the hospital under this subchapter shall
25 ultimately report to the chief medical officer of the hospital. The
26 policies adopted under this section:

27 (1) must be approved by the chief medical officer of

1 the hospital; and

2 (2) shall control and prevail in the event of a
3 conflict with any other policies of a hospital under this
4 subchapter.

5 (k) The chief medical officer shall immediately report to
6 the Texas Medical Board any action or event that the chief medical
7 officer reasonably and in good faith believes constitutes a
8 compromise of the independent medical judgment of a physician in
9 caring for a patient."

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