

By: Rodriguez

S.B. No. 860

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the El Paso County Hospital District to
3 appoint, contract for, or employ physicians, dentists, and other
4 health care providers.

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

6 SECTION 1. Subchapter B, Chapter 281, Health and Safety
7 Code, is amended by adding Section 281.0285 to read as follows:

8 Sec. 281.0285. EL PASO COUNTY HOSPITAL DISTRICT; EMPLOYMENT
9 OF PHYSICIANS, DENTISTS, AND OTHER HEALTH CARE PROVIDERS. (a) The
10 board of the El Paso County Hospital District may appoint, contract
11 for, or employ physicians, dentists, and other health care
12 providers as the board considers necessary for the efficient
13 operation of the district.

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

16 (c) This section may not be construed as authorizing the
17 board of the El Paso County Hospital District to supervise or
18 control the practice of medicine as prohibited by Subtitle B, Title
19 3, Occupations Code, or to supervise or control the practice of
20 dentistry as prohibited by Subtitle D, Title 3, Occupations Code.

21 (d) The authority granted to the board of the El Paso County
22 Hospital District under Subsection (a) to employ physicians shall
23 apply as necessary for the district to fulfill the district's
24 statutory mandate to provide medical care for the indigent and

1 needy residents of the district as provided by Section 281.046.

2 (e) The medical executive committee of the El Paso County
3 Hospital District, in accordance with the bylaws adopted by the
4 board of the El Paso County Hospital District, shall adopt,
5 maintain, and enforce policies to ensure that a physician employed
6 by the district exercises the physician's independent medical
7 judgment in providing care to patients.

8 (f) The policies adopted by the medical executive committee
9 under this section must include:

10 (1) policies relating to:

11 (A) governance of the medical executive
12 committee;

13 (B) credentialing;

14 (C) quality assurance;

15 (D) utilization review;

16 (E) peer review;

17 (F) medical decision-making; and

18 (G) due process; and

19 (2) rules requiring the disclosure of financial
20 conflicts of interest by a member of the medical executive
21 committee.

22 (g) The medical executive committee and the board of the El
23 Paso County Hospital District shall jointly develop and implement a
24 conflict management process to resolve any conflict between the
25 policies adopted under this section and a policy of the El Paso
26 County Hospital District.

27 (h) A member of the medical executive committee who is a

1 physician shall provide biennially to the chair of the medical
2 executive committee a signed, verified statement indicating that
3 the committee member:

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

5 (2) will exercise independent medical judgment in all
6 medical executive committee matters, including matters relating
7 to:

8 (A) credentialing;

9 (B) quality assurance;

10 (C) utilization review;

11 (D) peer review;

12 (E) medical decision-making; and

13 (F) due process;

14 (3) will exercise the committee member's best efforts
15 to ensure compliance with the policies that are adopted or
16 established by the medical executive committee; and

17 (4) will report immediately to the Texas Medical Board
18 any action or event that the committee member reasonably and in good
19 faith believes constitutes a compromise of the independent medical
20 judgment of a physician in caring for a patient.

21 (i) For all matters relating to the practice of medicine,
22 each physician employed by the El Paso County Hospital District
23 shall ultimately report to the chair of the medical executive
24 committee for the district.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2011.