

1-1 By: Rodriguez S.B. No. 860  
1-2 (In the Senate - Filed February 22, 2011; March 1, 2011,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; April 11, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 April 11, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 860 By: Nichols

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

1-10 relating to the authority of the El Paso County Hospital District to  
1-11 appoint, contract for, or employ physicians, dentists, and other  
1-12 health care providers.

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 281.0285 to read as follows:

1-16 Sec. 281.0285. EL PASO COUNTY HOSPITAL DISTRICT; EMPLOYMENT  
1-17 OF PHYSICIANS, DENTISTS, AND OTHER HEALTH CARE PROVIDERS. (a) The  
1-18 board of the El Paso County Hospital District may appoint, contract  
1-19 for, or employ physicians, dentists, and other health care  
1-20 providers as the board considers necessary for the efficient  
1-21 operation of the district.

1-22 (b) The term of an employment contract entered into under  
1-23 this section may not exceed four years.

1-24 (c) This section may not be construed as authorizing the  
1-25 board of the El Paso County Hospital District to supervise or  
1-26 control the practice of medicine as prohibited by Subtitle B, Title  
1-27 3, Occupations Code, or to supervise or control the practice of  
1-28 dentistry as prohibited by Subtitle D, Title 3, Occupations Code.

1-29 (d) The authority granted to the board of the El Paso County  
1-30 Hospital District under Subsection (a) to employ physicians shall  
1-31 apply as necessary for the district to fulfill the district's  
1-32 statutory mandate to provide medical care for the indigent and  
1-33 needy residents of the district as provided by Section 281.046.

1-34 (e) The medical executive committee of the El Paso County  
1-35 Hospital District, in accordance with the bylaws adopted by the  
1-36 board of the El Paso County Hospital District, shall adopt,  
1-37 maintain, and enforce policies to ensure that a physician employed  
1-38 by the district exercises the physician's independent medical  
1-39 judgment in providing care to patients.

1-40 (f) The policies adopted by the medical executive committee  
1-41 under this section must include:

1-42 (1) policies relating to:

1-43 (A) governance of the medical executive  
1-44 committee;

1-45 (B) credentialing;

1-46 (C) quality assurance;

1-47 (D) utilization review;

1-48 (E) peer review;

1-49 (F) medical decision-making; and

1-50 (G) due process; and

1-51 (2) rules requiring the disclosure of financial  
1-52 conflicts of interest by a member of the medical executive  
1-53 committee.

1-54 (g) The medical executive committee and the board of the El  
1-55 Paso County Hospital District shall jointly develop and implement a  
1-56 conflict management process to resolve any conflict between the  
1-57 policies adopted under this section and a policy of the El Paso  
1-58 County Hospital District.

1-59 (h) A member of the medical executive committee who is a  
1-60 physician shall provide biennially to the chair of the medical  
1-61 executive committee a signed, verified statement indicating that  
1-62 the committee member:

1-63 (1) is licensed by the Texas Medical Board;

2-1 (2) will exercise independent medical judgment in all  
 2-2 medical executive committee matters, including matters relating  
 2-3 to:

- 2-4 (A) credentialing;
- 2-5 (B) quality assurance;
- 2-6 (C) utilization review;
- 2-7 (D) peer review;
- 2-8 (E) medical decision-making; and
- 2-9 (F) due process;

2-10 (3) will exercise the committee member's best efforts  
 2-11 to ensure compliance with the policies that are adopted or  
 2-12 established by the medical executive committee; and

2-13 (4) will report immediately to the Texas Medical Board  
 2-14 any action or event that the committee member reasonably and in good  
 2-15 faith believes constitutes a compromise of the independent medical  
 2-16 judgment of a physician in caring for a patient.

2-17 (i) For all matters relating to the practice of medicine,  
 2-18 each physician employed by the El Paso County Hospital District  
 2-19 shall ultimately report to the chair of the medical executive  
 2-20 committee for the district.

2-21 SECTION 2. This Act takes effect immediately if it receives  
 2-22 a vote of two-thirds of all the members elected to each house, as  
 2-23 provided by Section 39, Article III, Texas Constitution. If this  
 2-24 Act does not receive the vote necessary for immediate effect, this  
 2-25 Act takes effect September 1, 2011.

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