

House Bill 1568
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(1) policies relating to:

(A) governance of the medical executive board;

(B) credentialing;

(C) quality assurance;

(D) utilization review;

(E) peer review;

(F) medical decision-making; and

SENATE VERSION (CS)

SECTION 1. Same as House version.

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(G) due process; and
(2) rules requiring the disclosure of financial conflicts of interest by a member of the medical executive board.
(g) The medical executive board and the board of the Harris County Hospital District shall jointly develop and implement a conflict management process to resolve any conflict between a policy adopted by the medical executive board under this section and a policy of the Harris County Hospital District.
(h) A member of the medical executive board who is a physician shall provide biennially to the chair of the medical executive board a signed, verified statement indicating that the board member:
(1) is licensed by the Texas Medical Board;
(2) will exercise independent medical judgment in all medical executive board matters, including matters relating to:
(A) credentialing;
(B) quality assurance;
(C) utilization review;
(D) peer review;
(E) medical decision-making; and
(F) due process;
(3) will exercise the board member's best efforts to ensure compliance with the policies that are adopted or established by the medical executive board; and
(4) will report immediately to the Texas Medical Board any action or event that the board member reasonably and in good faith believes constitutes a compromise of the independent medical judgment of a physician in caring for a patient.
(i) For all matters relating to the practice of medicine, each physician employed by the Harris County Hospital District shall ultimately report to the chair of the medical executive board for the district.

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HOUSE VERSION

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

Sec. 351.045. COUNTY HEALTH CARE SERVICES; EMPLOYMENT OF PHYSICIANS.

(a) The commissioners court of a county may appoint, contract for, or employ physicians to provide health care services to inmates in the custody of the sheriff.

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

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

SENATE VERSION (CS)

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

Sec. 351.045. HEALTH CARE SERVICES IN CERTAIN COUNTIES; EMPLOYMENT OF PHYSICIANS.

(a) The commissioners court of a county with a population of 3.3 million or more may appoint, contract for, or employ physicians to provide health care services to inmates in the custody of the sheriff.

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

SECTION 3. Same as House version.

CONFERENCE