

BILL ANALYSIS

C.S.H.B. 257
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Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Tech University Health Sciences Center at El Paso is a satellite branch of the Texas Tech University Health Sciences Center and is controlled through that center in Lubbock. Interested parties contend that this remote control creates an indirect funding stream for the health sciences center in El Paso and, in the absence of local autonomy to make community-specific decisions, impedes the way the center interacts with the El Paso community, which currently is suffering from a shortage of health care professionals as compared to the average per capita distribution of physicians both in Texas and across the nation.

The parties contend that it is the goal of the health sciences center in El Paso to become autonomous from the health sciences center in Lubbock, particularly with regard to having a separate funding stream to avoid the need to apply for special line-item funding every legislative session. Although funds would still be allocated from the Texas Tech University System, the health sciences center in El Paso would have more decision-making flexibility with regard to the center's programs, thus allowing the center to better serve the El Paso community. C.S.H.B. 257 seeks to accomplish these goals by establishing the Texas Tech University Health Sciences Center at El Paso as a component institution of the Texas Tech University System.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the board of regents of the Texas Tech University System in SECTION 4 of this bill.

ANALYSIS

C.S.H.B. 257 amends the Education Code to establish the Texas Tech University Health Sciences Center at El Paso as a component institution of the Texas Tech University System under the direction, management, and control of the system's board of regents. The bill specifies that the center is not a department, school, or branch of any other institution in the system and that the center is composed of a medical school and other components assigned by law or by the board of regents.

C.S.H.B. 257 establishes that the board of regents has the same powers of direction, management, and control over the center as the board of regents exercises over the system's other component institutions. The bill authorizes the board of regents to prescribe courses leading to customary degrees and to adopt rules for the operation, control, and management of the center as necessary for conducting a health sciences center of the first class. The bill authorizes the board of regents to execute and carry out an affiliation or coordinating agreement with any other entity or institution and to make joint appointments in the center and any other component institution of the system. The bill requires the salary of a person who receives a joint appointment to be apportioned between the appointing institutions on the basis of services rendered.

C.S.H.B. 257 sets out provisions relating to the provision of physical facilities for the center, the provision of a teaching hospital for the center by a public or private entity, continuing

supervision of the center by the Texas Higher Education Coordinating Board, and the solicitation, acceptance, and administration of gifts and grants from any public or private person or entity for the use and benefit of the center.

C.S.H.B. 257 entitles the center to participate in the constitutionally appropriated higher education fund if, in accordance with the constitutional provision providing for that funding, the bill receives a vote of two-thirds of all the members elected to each house of the legislature, with the funding to begin with the annual appropriation for the state fiscal year beginning September 1, 2015. The bill requires the center to be included in the allocation made for each 10-year allocation period under the constitutional provision, beginning with the allocation made in 2015. The bill adds a similar provision to statutory provisions relating to amounts allocated from the higher education fund by the equitable allocation formula in support of institutions of higher education to reflect the newly granted entitlement to such funding, effective contingent on a two-thirds vote.

C.S.H.B. 257 makes an employee of the Texas Tech Diabetes Research Center an employee of the Texas Tech University Health Sciences Center at El Paso, rather than an employee of the Texas Tech University System. The bill requires the board of regents to select a site for the research center at the Texas Tech University Health Sciences Center at El Paso, rather than at the regional academic health center of the Texas Tech University Health Sciences Center located in El Paso.

C.S.H.B. 257 changes the references to the Texas Tech University Health Sciences Center to references to the Texas Tech University System in statutory provisions relating to the compensation of resident physicians, medical malpractice coverage for certain institutions, and the medical professional liability fund. The bill adds the center at El Paso to a statutory provision prohibiting funds appropriated to certain specified health sciences centers from being used to establish or maintain the fund, to purchase insurance, or to employ private legal counsel. The bill redefines "medical and dental unit" in provisions relating to the coordinating board to include the Texas Tech University Health Sciences Center and the Texas Tech University Health Sciences Center at El Paso and redefines "medical school" as it relates to contracts for medical residency programs to include the medical school at the Texas Tech University Health Sciences Center at El Paso. The bill includes the center at El Paso among the health-related institutions of higher education hosting programs eligible to receive funding from the permanent health fund for higher education.

C.S.H.B. 257 requires the board of regents of the Texas Tech University System, as soon as practicable following the bill's effective date consistent with available resources, any required approval by the coordinating board, and the goal of minimizing unnecessary disruption of existing programs, students, faculty, and staff in El Paso, to establish the Texas Tech University Health Sciences Center at El Paso and to assign existing programs and facilities of the system located in El Paso County to the center to the extent those programs and facilities support the mission and purposes of the center.

EFFECTIVE DATE

Except as otherwise provided, on passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 257 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. The heading to Chapter 110, Education Code, is amended.

SECTION 2. Sections 110.01 through 110.14, Education Code, and Section 110.16, Education Code, are designated as Subchapter A, Chapter 110, Education Code, and a heading to that subchapter is added.

SECTION 3. The heading to Section 110.01, Education Code, is amended.

SECTION 4. Chapter 110, Education Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AT EL PASO

Sec. 110.30. DEFINITIONS.

Sec. 110.31. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AT EL PASO; SEPARATE INSTITUTION.

Sec. 110.32. CONCURRENT POWERS.
Sec. 110.33. COURSES AND DEGREES; RULES.

Sec. 110.34. AFFILIATION AGREEMENTS WITH OTHER ENTITIES.

Sec. 110.35. FACILITIES.

Sec. 110.36. TEACHING HOSPITALS.
The board of regents may establish one or more teaching hospitals for the Texas Tech University Health Sciences Center at El Paso and may enter into agreements with existing hospitals as the board of regents considers appropriate for that purpose.

Sec. 110.37. COORDINATING BOARD SUPERVISION.

Sec. 110.38. GIFTS AND GRANTS.

Sec. 110.39. PARTICIPATION IN CERTAIN CONSTITUTIONAL FUNDS.

SECTION 5. Section 110.15, Education

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Chapter 110, Education Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AT EL PASO

Sec. 110.30. DEFINITIONS.

Sec. 110.31. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AT EL PASO; SEPARATE INSTITUTION.

Sec. 110.32. CONCURRENT POWERS.
Sec. 110.33. COURSES AND DEGREES; RULES.

Sec. 110.34. AFFILIATION AGREEMENTS WITH OTHER ENTITIES.

Sec. 110.35. FACILITIES.

Sec. 110.36. TEACHING HOSPITAL. A teaching hospital considered suitable by the board of regents for the Texas Tech University Health Sciences Center at El Paso may be provided by a public or private entity. The hospital may not be constructed, maintained, or operated with state funds.

Sec. 110.37. COORDINATING BOARD SUPERVISION.

Sec. 110.38. GIFTS AND GRANTS.

Sec. 110.39. PARTICIPATION IN CERTAIN CONSTITUTIONAL FUNDS.

SECTION 5. Same as introduced version.

Code, is transferred to Subchapter B, Chapter 110, Education Code, as added by this Act, redesignated as Section 110.40, Education Code, and amended.

SECTION 6. Section 51.821(4), Education Code, is amended

SECTION 7. Section 58.001(a), Education Code, is amended.

SECTION 8. Sections 59.01(1) and (3), Education Code, are amended.

SECTION 9. Sections 59.02(a) and (c), Education Code, are amended.

SECTION 10. Section 59.06, Education Code, is amended.

SECTION 11. Section 61.003(5), Education Code, is amended.

SECTION 12. Section 61.501(1), Education Code, is amended.

No equivalent provision.

SECTION 13. Section 63.002(c), Education Code, is amended.

SECTION 14. The board of regents of the Texas Tech University System, as soon as practicable following the effective date of

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.

SECTION 10. Same as introduced version.

SECTION 11. Same as introduced version.

SECTION 12. Same as introduced version.

SECTION 13. Section 62.021, Education Code, is amended by adding Subsection (e-1) to read as follows:
(e-1) Whereas the Texas Tech University Health Sciences Center at El Paso was created as a separate institution of higher education by an Act of the 83rd Legislature, Regular Session, 2013, which was approved by a vote of more than two-thirds of the membership of each house of the legislature, the Texas Tech University Health Sciences Center at El Paso is entitled to participate in the funding provided by Section 17, Article VII, Texas Constitution, beginning with the annual appropriation for the state fiscal year beginning September 1, 2015, and the Texas Tech University Health Sciences Center at El Paso shall be included in the allocation made for each 10-year allocation period under Section 17(d), Article VII, Texas Constitution, beginning with the allocation made in 2015.

SECTION 14. Same as introduced version.

SECTION 15. Same as introduced version.

this Act consistent with available resources, any required approval by the Texas Higher Education Coordinating Board, and the goal of minimizing unnecessary disruption of existing programs, students, faculty, and staff in El Paso, shall:

- (1) establish the Texas Tech University Health Sciences Center at El Paso in accordance with this Act; and
- (2) assign existing programs and facilities of the system located in El Paso County to the center to the extent those programs and facilities support the mission and purposes of the center.

SECTION 15. 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, 2013.

SECTION 16. (a) Except as provided by Subsection (b) of this section, 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, 2013.

(b) If this Act does not receive a vote of two-thirds of all the members elected to each house, Section 13 of this Act does not take effect.