

BILL ANALYSIS

C.S.S.B. 1916
By: West
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the Parkland Center for Clinical Innovation is a nonprofit research and development corporation that specializes in real-time predictive and surveillance analytics for health care and that the center supports Parkland Health and Hospital System to produce the best possible outcomes for its patients. The parties further note that the center was organized to help transform the delivery of health care by developing cutting-edge software and analytic methods and that the center seeks to develop financial resources for the system by protecting related intellectual property and making such software and analytic methods available to hospitals and other health care providers.

The interested parties contend that, while Parkland Health and Hospital System has certain authority to develop and convey property rights, legislation is needed to expressly authorize the system to sell or license certain technology and intellectual property. C.S.S.B. 1916 seeks to address this issue by establishing provisions relating to the authority of the Dallas County Hospital District or a nonprofit corporation formed by the district regarding certain technology or intellectual property owned by or licensed to the district or corporation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1916 amends the Health and Safety Code to authorize the Dallas County Hospital District or a nonprofit corporation formed by the district to sell or license technology or intellectual property that is owned by or licensed to the district or such a nonprofit corporation; to enter into a contract to provide services related to such technology or intellectual property sold or licensed; to contract, collaborate, or enter into a joint venture or other agreement with a public or private entity to engage in such authorized activities; or to take any other action necessary to protect or benefit from the exclusivity of technology and intellectual property owned by or licensed to the district or a nonprofit corporation formed by the district. The bill exempts information prepared or compiled by or for the district or such a nonprofit corporation relating to the development of technology or intellectual property to which the bill's provisions apply from disclosure under state public information law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 1916 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial

differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Subchapter C, Chapter 281, Health and Safety Code, is amended by adding Section 281.0518 to read as follows:

Sec. 281.0518. DALLAS COUNTY HOSPITAL DISTRICT; AUTHORITY TO SELL OR LICENSE INTELLECTUAL PROPERTY. (a) The Dallas County Hospital District or a nonprofit corporation formed by the district may:

(1) sell or license technology or intellectual property that is:

(A) developed or in development by the district or nonprofit corporation; or

(B) developed or in development for the district or nonprofit corporation by a contractor under a contract, unless the sale or licensure of the technology or intellectual property is prohibited by the contract;

(2) enter into a contract to provide services related to technology or intellectual property developed, in development, sold, or licensed under Subdivision (1);

(3) contract, collaborate, or enter into a joint venture or other agreement with a public or private entity to engage in an activity authorized under Subdivision (1) or (2); or

(4) take any other action necessary to protect the exclusivity of technology and intellectual property developed or in development by or for the district or a nonprofit corporation formed by the district, including applying for, acquiring, registering, securing, holding, protecting, and renewing under applicable provisions of state, federal, or international law:

(A) a patent;

(B) a copyright; or

(C) a trademark, service mark, collective mark, or certification mark.

(b) Information prepared or compiled by or for the Dallas County Hospital District or a nonprofit corporation formed by the district relating to the development of technology or intellectual property to which this section applies is exempt from public disclosure under Chapter 552, Government Code.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 281, Health and Safety Code, is amended by adding Section 281.0518 to read as follows:

Sec. 281.0518. DALLAS COUNTY HOSPITAL DISTRICT; AUTHORITY TO SELL OR LICENSE INTELLECTUAL PROPERTY. (a) The Dallas County Hospital District or a nonprofit corporation formed by the district may:

(1) sell or license technology or intellectual property that is owned by or licensed to the district or a nonprofit corporation formed by the district;

(2) enter into a contract to provide services related to technology or intellectual property sold or licensed under Subdivision (1);

(3) contract, collaborate, or enter into a joint venture or other agreement with a public or private entity to engage in an activity authorized under Subdivision (1) or (2); or

(4) take any other action necessary to protect or benefit from the exclusivity of technology and intellectual property owned by or licensed to the district or a nonprofit corporation formed by the district, including applying for, acquiring, registering, securing, holding, protecting, and renewing under applicable provisions of state, federal, or international law:

(A) a patent;

(B) a copyright;

(C) a trademark, service mark, collective mark, or certification mark; or

(D) any other form of protection of intellectual property provided by law.

(b) Information prepared or compiled by or for the Dallas County Hospital District or a nonprofit corporation formed by the district relating to the development of technology or intellectual property to which this section applies is exempt from public disclosure under Chapter 552, Government Code.

SECTION 2. 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 2. Same as engrossed version.