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H.B. No. 257

Substitute the following for H.B. No. 257:

By: Branch

C.S.H.B. No. 257

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Tech University Health  
Sciences Center at El Paso as a component institution of the Texas  
Tech University System.

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

SECTION 1. The heading to Chapter 110, Education Code, is  
amended to read as follows:

CHAPTER 110. TEXAS TECH UNIVERSITY HEALTH SCIENCES INSTITUTIONS

~~[CENTER]~~

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 to read as follows:

SUBCHAPTER A. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

SECTION 3. The heading to Section 110.01, Education Code,  
is amended to read as follows:

Sec. 110.01. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER;  
SEPARATE INSTITUTION.

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. In this subchapter:

(1) "Board of regents" means the board of regents of

1 the Texas Tech University System.

2 (2) "Coordinating board" means the Texas Higher  
3 Education Coordinating Board.

4 Sec. 110.31. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER  
5 AT EL PASO; SEPARATE INSTITUTION. (a) The Texas Tech University  
6 Health Sciences Center at El Paso is a component institution of the  
7 Texas Tech University System under the direction, management, and  
8 control of the board of regents.

9 (b) The center is not a department, school, or branch of any  
10 other institution in the system. The center is composed of a  
11 medical school and other components assigned by law or by the board  
12 of regents.

13 Sec. 110.32. CONCURRENT POWERS. The board of regents has  
14 the same powers of direction, management, and control over the  
15 Texas Tech University Health Sciences Center at El Paso as the board  
16 of regents exercises over the other component institutions of the  
17 Texas Tech University System.

18 Sec. 110.33. COURSES AND DEGREES; RULES. The board of  
19 regents may prescribe courses leading to customary degrees and may  
20 adopt rules for the operation, control, and management of the Texas  
21 Tech University Health Sciences Center at El Paso as necessary for  
22 conducting a health sciences center of the first class.

23 Sec. 110.34. AFFILIATION AGREEMENTS WITH OTHER ENTITIES.  
24 (a) The board of regents may execute and carry out an affiliation or  
25 coordinating agreement with any other entity or institution.

26 (b) The board of regents may make joint appointments in the  
27 Texas Tech University Health Sciences Center at El Paso and any

1 other component institution of the Texas Tech University System.  
2 The salary of a person who receives a joint appointment must be  
3 apportioned between the appointing institutions on the basis of  
4 services rendered.

5 Sec. 110.35. FACILITIES. The board of regents shall  
6 provide for physical facilities for the Texas Tech University  
7 Health Sciences Center at El Paso for use in its teaching and  
8 research programs.

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

14 Sec. 110.37. COORDINATING BOARD SUPERVISION. The Texas  
15 Tech University Health Sciences Center at El Paso is subject to the  
16 continuing supervision of the coordinating board under Chapter 61  
17 and to the rules of the coordinating board adopted under that  
18 chapter.

19 Sec. 110.38. GIFTS AND GRANTS. The board of regents may  
20 solicit, accept, and administer gifts and grants from any public or  
21 private person or entity for the use and benefit of the Texas Tech  
22 University Health Sciences Center at El Paso.

23 Sec. 110.39. PARTICIPATION IN CERTAIN CONSTITUTIONAL  
24 FUNDS. In accordance with Section 17(c), Article VII, Texas  
25 Constitution, if the Act enacting this section receives a vote of  
26 two-thirds of all the members elected to each house of the  
27 legislature, the institution created under this subchapter is

1 entitled to participate in the funding provided by Section 17,  
2 Article VII, Texas Constitution, beginning with the annual  
3 appropriation for the state fiscal year beginning September 1,  
4 2015, and the Texas Tech University Health Sciences Center at El  
5 Paso shall be included in the allocation made for each 10-year  
6 allocation period under Section 17(d), Article VII, Texas  
7 Constitution, beginning with the allocation made in 2015.

8         SECTION 5. Section 110.15, Education Code, is transferred  
9 to Subchapter B, Chapter 110, Education Code, as added by this Act,  
10 redesignated as Section 110.40, Education Code, and amended to read  
11 as follows:

12         Sec. 110.40 [~~110.15~~]. TEXAS TECH DIABETES RESEARCH  
13 CENTER. (a) In this section:

14                 (1) "Board" means the board of regents of the Texas  
15 Tech University System.

16                 (2) "Center" means the Texas Tech Diabetes Research  
17 Center.

18         (b) The board shall establish the Texas Tech Diabetes  
19 Research Center for purposes of researching issues related to:

20                 (1) diabetes; and

21                 (2) conditions associated with that disease,  
22 including acanthosis nigricans, as defined by Section 95.001,  
23 Health and Safety Code.

24         (c) The organization, control, and management of the center  
25 are vested in the board.

26         (d) The board shall approve the employment of personnel by  
27 and the operating budget of the center. An employee of the center

1 is an employee of the Texas Tech University Health Sciences Center  
2 at El Paso [~~System~~].

3 (e) The board shall select a site for the center at [~~the~~  
4 ~~regional academic health center of~~] the Texas Tech University  
5 Health Sciences Center at [~~located in~~] El Paso.

6 (f) The center may enter into an agreement or may cooperate  
7 with a public or private entity to perform the research functions of  
8 the center.

9 (g) The board may solicit, accept, and administer gifts and  
10 grants from any public or private source for the use and benefit of  
11 the center.

12 (h) In conducting its activities under this section, the  
13 center shall consult with The University of Texas-Pan American  
14 Border Health Office that administers the Type 2 Diabetes risk  
15 assessment program under Chapter 95, Health and Safety Code.

16 SECTION 6. Section 51.821(4), Education Code, is amended to  
17 read as follows:

18 (4) "Participating medical school" means each of the  
19 following entities:

20 (A) the medical school at The University of Texas  
21 Health Science Center at Houston;

22 (B) the medical school at The University of Texas  
23 Southwestern Medical Center at Dallas;

24 (C) the medical school at The University of Texas  
25 Health Science Center at San Antonio;

26 (D) the medical school at The University of Texas  
27 Medical Branch at Galveston;

1 (E) the medical school at the Texas Tech  
2 University Health Sciences Center at Lubbock;

3 (F) the medical school at the Texas Tech  
4 University Health Sciences Center at El Paso;

5 (G) the Baylor College of Medicine;

6 (H) the college of osteopathic medicine at the  
7 University of North Texas Health Science Center at Fort Worth; and

8 (I) the medical school at The Texas A&M  
9 University System Health Science Center.

10 SECTION 7. Section 58.001(a), Education Code, is amended to  
11 read as follows:

12 (a) The legislature finds that it will improve the quality  
13 of the delivery of medical care to the citizens of this state and,  
14 therefore, that it will be in the public interest of this state for  
15 the resident physicians being educated, trained, developed, and  
16 prepared for a career in medicine by the schools of medicine in The  
17 University of Texas System, the Texas Tech University System  
18 [~~Health Sciences Center~~], the Texas A&M University Medical Program,  
19 and the University of North Texas Health Science Center at Fort  
20 Worth to be compensated by those schools while the resident  
21 physicians are undergoing education, training, development, and  
22 preparation. The legislature further finds that the delivery of  
23 quality medical care to the citizens of this state has been and will  
24 continue to be enhanced by the expansion of family practice  
25 residency programs as provided by Sections 61.501 through 61.505 of  
26 this code and intends that nothing in this chapter be interpreted or  
27 implemented in a manner that will deter the development or

1 expansion of family practice residency programs or will deter the  
2 legislative goal of having at least 25 percent of the first-year  
3 residency positions devoted to family medicine.

4 SECTION 8. Sections 59.01(1) and (3), Education Code, are  
5 amended to read as follows:

6 (1) "Medical staff or students" means medical doctors,  
7 doctors of osteopathy, dentists, veterinarians, and podiatrists  
8 appointed to the faculty or professional medical staff employed for  
9 student health services by The University of Texas System, The  
10 Texas A&M University System, the Texas Tech University System  
11 [~~Health Sciences Center~~], or the University of North Texas Health  
12 Science Center at Fort Worth, either full time or who, although  
13 appointed less than full time (including volunteers), either devote  
14 their total professional service to such appointment or provide  
15 services to patients by assignment from the department chairman;  
16 and interns, residents, fellows, and medical or dental students,  
17 veterinary students, and students of osteopathy participating in a  
18 patient-care program in The University of Texas System, The Texas  
19 A&M University System, the Texas Tech University System [~~Health~~  
20 ~~Sciences Center~~], or the University of North Texas Health Science  
21 Center at Fort Worth.

22 (3) "Board" means the board of regents of The  
23 University of Texas System, the board of regents of The Texas A&M  
24 University System, the board of regents of the Texas Tech  
25 University System, or the board of regents of the University of  
26 North Texas.

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

1 amended to read as follows:

2 (a) Each board may establish a separate self-insurance fund  
3 to pay any damages adjudged in a court of competent jurisdiction or  
4 a settlement of any medical malpractice claim against a member of  
5 the medical staff or students arising from the exercise of his  
6 appointment, duties, or training with The University of Texas  
7 System, The Texas A&M University System, the Texas Tech University  
8 System [~~Health Sciences Center~~], or the University of North Texas  
9 Health Science Center at Fort Worth.

10 (c) On the establishment of each fund, transfers to the fund  
11 shall be made in an amount and at such intervals as determined by  
12 the board. Each board may receive and accept any gifts or donations  
13 specified for the purposes of this subchapter and deposit those  
14 gifts or donations into the fund. Each board may invest money  
15 deposited in the fund, and any income received shall be retained in  
16 the fund. The money shall be deposited in any of the approved  
17 depository banks of The University of Texas System, The Texas A&M  
18 University System, the Texas Tech University System [~~Health~~  
19 ~~Sciences Center~~], or the University of North Texas Health Science  
20 Center at Fort Worth. All expenditures from the funds shall be paid  
21 pursuant to approval by the boards.

22 SECTION 10. Section 59.06, Education Code, is amended to  
23 read as follows:

24 Sec. 59.06. LIMITATION ON APPROPRIATED FUNDS. Funds  
25 appropriated by the legislature to either system, to the Texas Tech  
26 University Health Sciences Center, to the Texas Tech University  
27 Health Sciences Center at El Paso, or to the University of North



1 Texas Health Science Center at Fort Worth from the General Revenue  
2 Fund may not be used to establish or maintain the fund, to purchase  
3 insurance, or to employ private legal counsel.

4 SECTION 11. Section 61.003(5), Education Code, is amended  
5 to read as follows:

6 (5) "Medical and dental unit" means The Texas A&M  
7 University System Health Science Center and its component  
8 institutions, agencies, and programs; the Texas Tech University  
9 Health Sciences Center; the Texas Tech University Health Sciences  
10 Center at El Paso; The University of Texas Medical Branch at  
11 Galveston; The University of Texas Southwestern Medical Center at  
12 Dallas; The University of Texas Medical School at San Antonio; The  
13 University of Texas Dental Branch at Houston; The University of  
14 Texas M. D. Anderson Cancer Center; The University of Texas  
15 Graduate School of Biomedical Sciences at Houston; The University  
16 of Texas Dental School at San Antonio; The University of Texas  
17 Medical School at Houston; The University of Texas Health Science  
18 Center--South Texas and its component institutions, if established  
19 under Subchapter N, Chapter 74; the nursing institutions of The  
20 Texas A&M University System and The University of Texas System; and  
21 The University of Texas School of Public Health at Houston; and such  
22 other medical or dental schools as may be established by statute or  
23 as provided in this chapter.

24 SECTION 12. Section 61.501(1), Education Code, is amended  
25 to read as follows:

26 (1) "Medical school" means the medical school at The  
27 University of Texas Health Science Center at Houston, the medical

1 school at The University of Texas Health Science Center at Dallas,  
2 the medical school at The University of Texas Health Science Center  
3 at San Antonio, The University of Texas Medical Branch at  
4 Galveston, the Texas Tech University Health Sciences Center, the  
5 medical school at the Texas Tech University Health Sciences Center  
6 at El Paso, the Baylor College of Medicine, the college of  
7 osteopathic medicine at the University of North Texas Health  
8 Science Center at Fort Worth, or the Texas A&M University Medical  
9 Program.

10 SECTION 13. Section 62.021, Education Code, is amended by  
11 adding Subsection (e-1) to read as follows:

12 (e-1) Whereas the Texas Tech University Health Sciences  
13 Center at El Paso was created as a separate institution of higher  
14 education by an Act of the 83rd Legislature, Regular Session, 2013,  
15 which was approved by a vote of more than two-thirds of the  
16 membership of each house of the legislature, the Texas Tech  
17 University Health Sciences Center at El Paso is entitled to  
18 participate in the funding provided by Section 17, Article VII,  
19 Texas Constitution, beginning with the annual appropriation for the  
20 state fiscal year beginning September 1, 2015, and the Texas Tech  
21 University Health Sciences Center at El Paso shall be included in  
22 the allocation made for each 10-year allocation period under  
23 Section 17(d), Article VII, Texas Constitution, beginning with the  
24 allocation made in 2015.

25 SECTION 14. Section 63.002(c), Education Code, is amended  
26 to read as follows:

27 (c) The amount available for distribution from the fund may

1 be appropriated only for programs that benefit medical research,  
2 health education, or treatment programs at the following  
3 health-related institutions of higher education:

4 (1) The University of Texas Health Science Center at  
5 San Antonio;

6 (2) The University of Texas M. D. Anderson Cancer  
7 Center;

8 (3) The University of Texas Southwestern Medical  
9 Center at Dallas;

10 (4) The University of Texas Medical Branch at  
11 Galveston;

12 (5) The University of Texas Health Science Center at  
13 Houston;

14 (6) The University of Texas Health Science Center at  
15 Tyler;

16 (7) The University of Texas Health Science  
17 Center--South Texas and its component institutions, if established  
18 under Subchapter N, Chapter 74;

19 (8) The Texas A&M University Health Science Center;

20 (9) the University of North Texas Health Science  
21 Center at Fort Worth;

22 (10) the Texas Tech University Health Sciences Center;

23 [~~and~~]

24 (11) the Texas Tech University Health Sciences Center  
25 at El Paso; and

26 (12) Baylor College of Medicine, if a contract between  
27 Baylor College of Medicine and the Texas Higher Education

Coordinating Board is in effect under Section 61.092.

SECTION 15. The board of regents of the Texas Tech University System, as soon as practicable following the effective date of 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 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.