

By: Bell

H.B. No. 1864

A BILL TO BE ENTITLED

AN ACT

relating to the ability of professional associations to hire certain health care professionals.

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

SECTION 1. Section 301.003(5), Business Organizations Code, is amended to read as follows:

(5) "Professional individual~~[,]~~" ~~[with respect to a professional entity,~~] means:

(A) with respect to a professional corporation or professional limited liability company, an individual who is licensed to provide in this state or another jurisdiction the same professional service as is rendered by that professional entity; or

(B) with respect to a professional association, an individual who is licensed to provide in this state or another jurisdiction the same professional service that:

(i) the individuals who formed and own the professional association are licensed to provide; and

(ii) the professional association was formed to provide.

SECTION 2. Section 301.006, Business Organizations Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] professional association or foreign professional association may

1 provide a professional service in this state only through owners,
2 managerial officials, employees, or agents, each of whom:

3 (1) is a professional individual; and

4 (2) is licensed in this state to provide the same
5 professional service that:

6 (A) the individuals who formed and own the
7 professional association are licensed to provide; and

8 (B) the professional association was formed
9 to provide [~~provided by the entity~~].

10 (a-1) A professional association or foreign professional
11 association may employ any of the following practitioners to
12 perform the professional service that the practitioner is licensed
13 in this state to provide, even if that professional service is
14 different from the professional service that the practitioners who
15 formed and own the professional association are licensed to provide
16 and that the professional association was formed to provide:

17 (1) a doctor of medicine;

18 (2) a doctor of osteopathy;

19 (3) a doctor of podiatry;

20 (4) a dentist;

21 (5) a chiropractor;

22 (6) an optometrist;

23 (7) a therapeutic optometrist;

24 (8) a veterinarian; and

25 (9) a licensed mental health professional.

26 (a-2) If a professional association or foreign professional
27 association employs a practitioner listed under Subsection (a-1),

1 the authority of each practitioner who is an owner, managerial
2 official, employee, or agent of the professional association is
3 limited to the practitioner's scope of practice, and a practitioner
4 may not exercise control over another practitioner's clinical
5 authority granted under the practitioner's respective license,
6 either through an agreement, bylaw, directive, financial
7 incentive, or other arrangement that would assert control over a
8 treatment decision made by the practitioner.

9 SECTION 3. Subtitle A, Title 3, Occupations Code, is
10 amended by adding Chapter 117 to read as follows:

11 CHAPTER 117. EMPLOYMENT OF HEALTH CARE PRACTITIONERS BY
12 PROFESSIONAL ASSOCIATIONS

13 Sec. 117.001. PATIENT CARE. A physician, podiatrist,
14 dentist, chiropractor, optometrist, therapeutic optometrist, or
15 licensed mental health professional, as that term is defined by
16 Section 301.003, Business Organizations Code, employed by a
17 professional association in accordance with Section 301.006(a-1),
18 Business Organizations Code, shall retain independent clinical
19 judgment in providing care to patients.

20 SECTION 4. Subchapter H, Chapter 801, Occupations Code, is
21 amended by adding Section 801.367 to read as follows:

22 Sec. 801.367. INDEPENDENT CLINICAL JUDGMENT. A
23 veterinarian employed by a professional association in accordance
24 with Section 301.006(a-1), Business Organizations Code, shall
25 retain independent clinical judgment in providing care to animals.

26 SECTION 5. This Act takes effect September 1, 2015.