

By: Sheffield, Springer, Clardy

H.B. No. 3433

A BILL TO BE ENTITLED

AN ACT

relating to level of care designations for hospitals that provide neonatal and maternal care.

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

SECTION 1. Sections 241.187(b), (d), and (j), Health and Safety Code, as added by Chapter 217 (H.B. 15), Acts of the 83rd Legislature, Regular Session, 2013, are amended to read as follows:

(b) The advisory council consists of 19 [~~17~~] members appointed by the executive commissioner as follows:

(1) four physicians licensed to practice medicine under Subtitle B, Title 3, Occupations Code, specializing in neonatology:

(A) at least two of whom practice in a Level III or IV neonatal intensive care unit; and

(B) at least one of whom practices in a neonatal intensive care unit of a hospital located in a rural area;

(2) one physician licensed to practice medicine under Subtitle B, Title 3, Occupations Code, specializing in general pediatrics;

(3) two physicians licensed to practice medicine under Subtitle B, Title 3, Occupations Code, specializing in obstetrics-gynecology;

(4) two physicians licensed to practice medicine under Subtitle B, Title 3, Occupations Code, specializing in maternal

1 fetal medicine;

2 (5) two physicians [~~one physician~~] licensed to
3 practice medicine under Subtitle B, Title 3, Occupations Code,
4 specializing in family practice who provide [~~provides~~] obstetrical
5 care in a rural community, at least one of whom must provide such
6 care at a hospital that has 50 or fewer patient beds and that is:

7 (A) located in a county with a population of
8 60,000 or less; or

9 (B) designated by the Centers for Medicare and
10 Medicaid Services as a critical access hospital, rural referral
11 center, or sole community hospital;

12 (6) one registered nurse licensed under Subtitle E,
13 Title 3, Occupations Code, with expertise in maternal health care
14 delivery;

15 (7) one registered nurse licensed under Subtitle E,
16 Title 3, Occupations Code, with expertise in perinatal health care
17 delivery;

18 (8) one representative from a children's hospital;

19 (9) one representative from a hospital with a Level II
20 neonatal intensive care unit;

21 (10) two representatives [~~one representative~~] from a
22 rural hospital, at least one of whom must be an administrative
23 representative from a hospital that has 50 or fewer patient beds and
24 that is:

25 (A) located in a county with a population of
26 60,000 or less; or

27 (B) designated by the Centers for Medicare and

1 Medicaid Services as a critical access hospital, rural referral
2 center, or sole community hospital;

3 (11) one representative from a general hospital; and

4 (12) one ex officio representative from the office of
5 the medical director of the Health and Human Services Commission.

6 (d) Members of the advisory council described by
7 Subsections (b)(1)-(11) serve staggered three-year terms, with the
8 terms of [~~five or~~] six of those members expiring September 1 of each
9 year. A member may be reappointed to the advisory council.

10 (j) The advisory council shall submit a report detailing the
11 advisory council's determinations and recommendations to the
12 department and the executive commissioner not later than September
13 1, 2016 [~~2015~~].

14 SECTION 2. Notwithstanding Section [241.187](#), Health and
15 Safety Code, as added by Chapter 217 (H.B. 15), Acts of the 83rd
16 Legislature, Regular Session, 2013, and as amended by this Act, of
17 the two additional persons appointed to the Perinatal Advisory
18 Council by this Act, the executive commissioner of the Health and
19 Human Services Commission shall appoint the additional member
20 described by Section [241.187](#)(b)(5), Health and Safety Code, to an
21 initial term that expires September 1, 2019, and the additional
22 member described by Section [241.187](#)(b)(10), Health and Safety Code,
23 to an initial term that expires September 1, 2017. The executive
24 commissioner shall make the appointments not later than October 1,
25 2015.

26 SECTION 3. Notwithstanding Section 2, Chapter 217 (H.B.
27 15), Acts of the 83rd Legislature, Regular Session, 2013:

1 (1) the executive commissioner of the Health and Human
2 Services Commission shall adopt the initial rules required by
3 Section 241.183, Health and Safety Code, as added by Chapter 217
4 (H.B. 15), Acts of the 83rd Legislature, Regular Session, 2013, not
5 later than March 1, 2018, after consideration of the report of the
6 Perinatal Advisory Council;

7 (2) the executive commissioner of the Health and Human
8 Services Commission shall complete for each hospital in this state:

9 (A) the neonatal level of care designation not
10 later than August 31, 2018; and

11 (B) the maternal level of care designation not
12 later than August 31, 2020; and

13 (3) a hospital is not required to have:

14 (A) a neonatal level of care designation as a
15 condition of reimbursement for neonatal services through the
16 Medicaid program before September 1, 2018; and

17 (B) a maternal level of care designation as a
18 condition of reimbursement for maternal services through the
19 Medicaid program before September 1, 2020.

20 SECTION 4. If before implementing any provision of this Act
21 a state agency determines that a waiver or authorization from a
22 federal agency is necessary for implementation of that provision,
23 the agency affected by the provision shall request the waiver or
24 authorization and may delay implementing that provision until the
25 waiver or authorization is granted.

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2015.