

By: Coleman

H.B. No. 3885

A BILL TO BE ENTITLED

AN ACT

relating to employment of psychiatrists by certain private hospitals.

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

SECTION 1. Section 311.081, Health and Safety Code, is amended by adding subsection (a-1) to read as follows:

(a-1) This subchapter applies only to a hospital that employs or seeks to employ a psychiatrist and that:

(1) is a private hospital licensed under Chapter 241 or 577 located in an area designated by the United States secretary of health and human services as having:

(A) a shortage of personal health services or a population group that has such a shortage as provided by 42 U.S.C. Section 300e-1; or

(B) a health professional shortage as provided by 42 U.S.C. Section 254e(a).

SECTION 2. Subchapter F, Chapter 311, Health and Safety Code, is amended by adding Section 311.0825 to read as follows:

Sec. 311.0825. DUTIES AND POLICIES OF CERTAIN HOSPITALS.

(a) A private hospital licensed under Chapter 241 or 577 may employ a physician under this subchapter only if the physician:

(1) is a psychiatrist; and

(2) remains employed by the private hospital for not more than 10 years from the date of initial employment.

1        (b) In addition to the requirements prescribed by Section  
2 311.083, the chief medical officer of a private hospital licensed  
3 under Chapter 241 or 577 that employs a physician described by  
4 Subsection (a) shall certify in writing to the Texas Medical Board  
5 that:

6            (1) the hospital, using commercially reasonable  
7 efforts, had not been able to recruit a physician to provide  
8 psychiatric services at the hospital for at least 12 continuous  
9 months;

10           (2) the hiring of the physician did not supplant a  
11 physician with privileges or a contract with the hospital; and

12           (3) the hospital did not actively recruit a physician  
13 who at any time during the period of recruitment was employed to  
14 provide psychiatric services by a federally qualified health center  
15 or rural health clinic, as those terms are defined by 42 U.S.C.  
16 Section 1396d, or another community health clinic not affiliated  
17 with the hospital.

18        (c) The chief medical officer shall include with the written  
19 certification described by Subsection (b) a description of the  
20 commercially reasonable efforts the private hospital licensed  
21 under Chapter 241 or 577 used to recruit a physician and the reason  
22 for the hospital's lack of success, if known.

23        SECTION 3. This Act takes effect September 1, 2017.