

BILL ANALYSIS

Senate Research Center
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S.B. 2346
By: Creighton
Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Background

- On August 14, 2018, the Sam Houston State University (SHSU) College of Osteopathic Medicine was approved by the Texas Higher Education Coordinating Board. The proposal was prepared in response to the workforce needs for primary care physicians by the health care industry in Texas.
- National accrediting body, Council of Osteopathic College Accreditation (COCA), recently granted Candidate Status and the Pre-Accreditation self-study has been submitted and will be reviewed at COCA's April meeting.
 - Full accreditation is not granted until after the first graduating class.
- In 2013, SHSU interviewed the health care industry in their target region regarding their workforce needs. The predominant answer was primary care physicians. SHSU started the process of establishing the medical program in response to the industry.
- An osteopathic program is the best answer to the state's immediate health care needs.
 - Texas currently ranks 47th for primary care physicians.
 - Over 60 percent of doctors with a Doctor of Osteopathic Medicine (D.O.) practice primary care, and around 50 percent practice in a rural or underserved area.
 - The mission of the College of Osteopathic Medicine is centered on clinical education of primary care physicians for rural and underserved areas.
- Land for the college has been donated in Conroe and a generous philanthropist has committed to fund the first three years of operating costs.

Bill Proposal

- S.B. 2346 would establish the Sam Houston State University College of Osteopathic Medicine as a college of SHSU under the management and control of the board of regents of the Texas State University System.
- S.B. 2346 would classify the college as:
 - a medical and dental unit under the Coordinating Board;
 - a health-related institution of higher education eligible for appropriations from the permanent health fund to benefit medical research, health education, or treatment programs;
 - a medical school that could appoint resident physicians eligible to receive compensation;
 - a medical school that could enter into contracts for medical residency programs; and
 - a university system and health center permitted to purchase medical malpractice insurance and establish a medical professional liability fund.
- The bill would prohibit SHSU from seeking formula funding for the College of Osteopathic Medicine [SECTION 1, Subsection (h)].

As proposed, S.B. 2346 amends current law relating to the creation of the Sam Houston State University College of Osteopathic Medicine.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 96, Education Code, by adding Section 96.66, as follows:

Sec. 96.66. SAM HOUSTON STATE UNIVERSITY COLLEGE OF OSTEOPATHIC MEDICINE. (a) Defines "board," "college," and "university."

(b) Provides that the Sam Houston State University College of Osteopathic Medicine is a college of the university and is under the management and control of the board of regents of The Texas State University System (board) with degrees offered under the name and authority of the university.

(c) Authorizes the board to prescribe courses leading to customary degrees and to adopt rules for the operation, control, and management of the college as necessary for conducting a college of osteopathic medicine of the first class.

(d) Authorizes the provost of the university, on behalf of the board, to execute and carry out an affiliation or coordinating agreement with any other entity or institution.

(e) Authorizes the board to solicit, accept, and administer gifts and grants from any public or private source for the use and benefit of the college.

(f) Authorizes the board, in addition to the college's facilities, to enter into agreements under which additional facilities used in the college's teaching and research programs, including libraries, auditoriums, research facilities, and medical education buildings, may be provided by a public or private entity.

(g) Authorizes a teaching hospital considered suitable by the board to be provided by a public or private entity. Prohibits the hospital from being constructed, maintained, or operated with state funds.

(h) Provides that, notwithstanding any other law, the university is not entitled to receive any formula funding for the college.

SECTION 2. Amends Section 51.821(4), Education Code, to include in the definition of "participating medical school" the college of osteopathic medicine at Sam Houston State University.

SECTION 3. Amends Section 58.002 (a)(1), Education Code, to include in the definition of "resident physician" a person who is appointed a resident physician by a school of medicine in the Sam Houston State University College of Osteopathic Medicine.

SECTION 4. Amends Sections 59.01(1) and (3), Education Code, as follows:

(1) Redefines "medical staff or students" to include medical doctors, doctors of osteopathy, dentists, veterinarians, and podiatrists appointed to the faculty or professional medical staff employed for student health services by certain institutions, including the Sam Houston State University College of Osteopathic Medicine.

(3) Includes in the definition of "board" the board of regents of The Texas State University System.

SECTION 5. Amends Sections 59.02(a) and (c), Education Code, as follows:

(a) Authorizes each board to establish a separate self-insurance fund to pay any damages adjudged in a court of competent jurisdiction or a settlement of any medical malpractice claim against a member of the medical staff or students arising from the exercise of the member's appointment rather than his appointment, duties, or training with certain institutions, including, the Sam Houston State University College of Osteopathic Medicine.

(c) Requires the money to be deposited in any of the approved depository banks of The University of Texas System, The Texas A&M University System, the Texas Tech University System, The Texas State University System, or the University of North Texas Health Science Center at Fort Worth.

SECTION 6. Amends Section 61.003(5), Education Code, to include in the definition of "medical and dental unit" the Sam Houston State University College of Osteopathic Medicine.

SECTION 7. Amends Section 61.501(1), Education Code, to include in the definition of "medical school" the Sam Houston State University College of Osteopathic Medicine.

SECTION 8. Amends Section 63.002(c), Education Code, as follows:

(c) Authorizes the amount available for distribution from the fund to be appropriated only for programs that benefit medical research, health education, or treatment programs at certain health-related institutions of higher education, including the Sam Houston State University College of Osteopathic Medicine.

SECTION 9. (a) Requires the Sam Houston State University College of Osteopathic Medicine to, as soon as practicable after the effective date of this Act:

(1) enter into the agreement with the Joint Admission Medical Program Council required by Section 51.829 (Council Agreement with Participating Medical Schools), Education Code; and

(2) select an appropriate faculty member to represent the college on the council.

(b) Requires the Sam Houston State University College of Osteopathic Medicine to provide internships and mentoring under the Joint Admission Medical Program not later than the 2022–2023 academic year to admit participating students to the college under the program.

SECTION 10. Provides that the Sam Houston State University College of Osteopathic Medicine is eligible to receive funding under Subchapter A, Chapter 63, Education Code, beginning with allocations for the state fiscal year that begins September 1, 2019.

SECTION 11. Effective date: upon passage or September 1, 2019.