By:  Frullo (Senate Sponsor - Perry) H.B. No. 3463

(In the Senate - Received from the House April 15, 2019; April 16, 2019, read first time and referred to Committee on Intergovernmental Relations; May 15, 2019, reported favorably by the following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Lucio                X

Schwertner           X

Alvarado             X

Campbell             X

Fallon               X

Menéndez             X

Nichols              X

A BILL TO BE ENTITLED

AN ACT

relating to authority of the Lubbock County Hospital District of Lubbock County, Texas, to employ physicians.

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

SECTION 1.  Subchapter B, Chapter 1053, Special District Local Laws Code, is amended by adding Section 1053.0601 to read as follows:

Sec. 1053.0601.  EMPLOYMENT OF PHYSICIANS TO PROVIDE CERTAIN HOSPITAL-BASED SERVICES. (a) For purposes of this section, "hospital-based services" means the following services when provided at a hospital:

(1)  emergency medicine;

(2)  general medicine practiced by a hospitalist; and

(3)  radiology services.

(b)  The board may employ physicians as the board considers necessary to provide hospital-based services at a hospital owned or operated by the district as provided by this section. The board may retain all or part of the professional income generated by a physician employed by the district for those hospital-based services if the board satisfies the requirements of this section.

(c)  The term of an employment contract entered into under this section may not exceed five years.

(d)  This section may not be construed as authorizing the board to:

(1)  supervise or control the practice of medicine, as prohibited by Subtitle B, Title 3, Occupations Code; or

(2)  employ physicians for any purpose other than the provision of hospital-based services at a hospital owned or operated by the district.

(e)  The authority granted to the board under Subsection (b) to employ physicians shall apply as necessary for the district to fulfill the district's statutory mandate to provide medical and hospital care to the district's residents, including the district's needy and indigent residents, as provided by Sections 1053.101 and 1053.104.

(f)  The medical executive committee of the district shall adopt, maintain, and enforce policies to ensure that a physician employed by the district exercises the physician's independent medical judgment in providing care to patients.

(g)  The policies adopted by the medical executive committee under this section must include:

(1)  policies relating to:

(A)  governance of the medical executive committee;

(B)  credentialing;

(C)  quality assurance;

(D)  utilization review;

(E)  peer review;

(F)  medical decision-making; and

(G)  due process; and

(2)  rules requiring the disclosure of financial conflicts of interest by a member of the medical executive committee.

(h)  The medical executive committee and the board shall jointly develop and implement a conflict management process to resolve any conflict between a policy adopted by the medical executive committee under this section and a policy of the district.

(i)  A member of the medical executive committee who is a physician shall provide biennially to the chair of the medical executive committee a signed, verified statement indicating that the committee member:

(1)  is licensed by the Texas Medical Board;

(2)  will exercise independent medical judgment in all medical executive committee matters, including matters relating to:

(A)  credentialing;

(B)  quality assurance;

(C)  utilization review;

(D)  peer review;

(E)  medical decision-making; and

(F)  due process;

(3)  will exercise the committee member's best efforts to ensure compliance with the policies that are adopted or established by the medical executive committee; and

(4)  will report immediately to the Texas Medical Board any action or event that the committee member reasonably and in good faith believes constitutes a compromise of the independent medical judgment of a physician in caring for a patient.

(j)  For all matters relating to the practice of medicine, each physician employed by the district shall ultimately report to the chair of the medical executive committee for the district.

SECTION 2.  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, 2019.

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