86R13873 MM-F

By:  Zaffirini S.B. No. 1635

A BILL TO BE ENTITLED

AN ACT

relating to medical and dental clinical education in public and nonprofit hospitals.

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

SECTION 1.  Section 61.003(5), Education Code, is amended to read as follows:

(5)  "Medical and dental unit" means The Texas A&M University System Health Science Center and its component institutions, agencies, and programs; the Texas Tech University Health Sciences Center; the Texas Tech University Health Sciences Center at El Paso; the University of Houston College of Medicine; The University of Texas Medical Branch at Galveston; The University of Texas Southwestern Medical Center; The University of Texas Medical School at San Antonio; The University of Texas Dental Branch at Houston; The University of Texas M. D. Anderson Cancer Center; The University of Texas Graduate School of Biomedical Sciences at Houston; The University of Texas Dental School at San Antonio; The University of Texas Medical School at Houston; the Dell Medical School at The University of Texas at Austin; the School of Medicine at The University of Texas Rio Grande Valley; The University of Texas Health Science Center at Tyler [~~The University of Texas Health Science Center--South Texas and its component institutions, if established under Subchapter N, Chapter 74~~]; the nursing institutions of The Texas A&M University System and The University of Texas System; and The University of Texas School of Public Health at Houston; and such other medical or dental schools as may be established by statute or as provided in this chapter.

SECTION 2.  Section 312.002, Health and Safety Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Nonprofit hospital" means a hospital, clinic, or other facility for the provision of health care or dental care that is:

(A)  owned or operated by:

(i)  a nonprofit hospital, as defined by Section 311.042; or

(ii)  a nonprofit supporting entity, as defined by Section 311.042; or

(B)  operated by a health organization that is certified under Section 162.001(b) or (c), Occupations Code.

SECTION 3.  Sections 312.004(a), (c), and (e), Health and Safety Code, are amended to read as follows:

(a)  Medical and dental units, supported medical or dental schools, coordinating entities, and public or nonprofit hospitals may make and perform contracts among each other for the coordinated or cooperative clinical education of the students, interns, residents, and fellows enrolled at the units or schools.

(c)  A medical and dental unit, a supported medical or dental school, and a coordinating entity may contract with the owner or operator of a public or nonprofit hospital for the clinical education of students, interns, residents, and fellows enrolled at the unit or school.

(e)  The contract may provide for the coordinated, cooperative, or exclusive assignment of the interns, residents, fellows, faculty, and associated health care professionals of the participating medical and dental units and supported medical or dental schools to provide or perform health or dental services or research at a public or nonprofit hospital.

SECTION 4.  Section 312.006(a), Health and Safety Code, is amended to read as follows:

(a)  A medical and dental unit, supported medical or dental school, or coordinating entity engaged in coordinated or cooperative medical or dental clinical education under Section 312.004, including patient care and the provision or performance of health or dental services or research at a public or nonprofit hospital, is not liable for its acts and omissions in connection with those activities except to the extent and up to the maximum amount of liability of state government under Section 101.023(a), Civil Practice and Remedies Code, for the acts and omissions of a governmental unit of state government under Chapter 101, Civil Practice and Remedies Code.

SECTION 5.  Section 312.007, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d)  Regardless of whether the medical and dental unit complies with the provisions of Section 312.003, 312.004, or 312.005, the limitations on liability provided by this section apply to interns, residents, fellows, faculty members, and other associated health care professionals or employees of a medical and dental unit participating in the coordinated or cooperative education under Section 312.004 of students, interns, residents, or fellows attending the medical and dental unit or participating in a training program sponsored by the medical and dental unit.

SECTION 6.  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.