

1-1 By: Metcalf, Oliverson (Senate Sponsor - Creighton) H.B. No. 2867  
 1-2 (In the Senate - Received from the House April 8, 2019;  
 1-3 April 9, 2019, read first time and referred to Committee on Higher  
 1-4 Education; April 16, 2019, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-6 April 16, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2867 By: Creighton

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the creation of the Sam Houston State University  
 1-22 College of Osteopathic Medicine.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter D, Chapter 96, Education Code, is  
 1-25 amended by adding Section 96.66 to read as follows:

1-26 Sec. 96.66. SAM HOUSTON STATE UNIVERSITY COLLEGE OF  
 1-27 OSTEOPATHIC MEDICINE. (a) In this section:

1-28 (1) "Board" means the board of regents of the Texas  
 1-29 State University System.

1-30 (2) "College" means the Sam Houston State University  
 1-31 College of Osteopathic Medicine established under this section.

1-32 (3) "University" means Sam Houston State University.

1-33 (b) The Sam Houston State University College of Osteopathic  
 1-34 Medicine is a college of the university and is under the management  
 1-35 and control of the board with degrees offered under the name and  
 1-36 authority of the university.

1-37 (c) The board may prescribe courses leading to customary  
 1-38 degrees and may adopt rules for the operation, control, and  
 1-39 management of the college as necessary for conducting a college of  
 1-40 osteopathic medicine of the first class.

1-41 (d) The provost of the university, on behalf of the board,  
 1-42 may execute and carry out an affiliation or coordinating agreement  
 1-43 with any other entity or institution.

1-44 (e) The board may solicit, accept, and administer gifts and  
 1-45 grants from any public or private source for the use and benefit of  
 1-46 the college.

1-47 (f) In addition to the college's facilities, the board may  
 1-48 enter into agreements under which additional facilities used in the  
 1-49 college's teaching and research programs, including libraries,  
 1-50 auditoriums, research facilities, and medical education buildings,  
 1-51 may be provided by a public or private entity.

1-52 (g) A teaching hospital considered suitable by the board may  
 1-53 be provided by a public or private entity. The hospital may not be  
 1-54 constructed, maintained, or operated with state funds.

1-55 (h) Notwithstanding any other law, the university is not  
 1-56 entitled to receive any formula funding for the college.

1-57 SECTION 2. Section 58.002(a)(1), Education Code, is amended  
 1-58 to read as follows:

1-59 (1) "Resident physician" means a person who is  
 1-60 appointed a resident physician by a school of medicine in The

2-1 University of Texas System, the Texas Tech University System, The  
2-2 Texas A&M University System, or the University of North Texas  
2-3 System or by the Sam Houston State University College of  
2-4 Osteopathic Medicine or the Baylor College of Medicine and who:

2-5 (A) has received a Doctor of Medicine or a Doctor  
2-6 of Osteopathic Medicine degree from the Baylor College of Medicine  
2-7 or from an approved school of medicine; or

2-8 (B) is a citizen of Texas and has received a  
2-9 Doctor of Medicine or a Doctor of Osteopathic Medicine degree from  
2-10 some other school of medicine that is accredited by the Liaison  
2-11 Committee on Medical Education or by the Bureau of Professional  
2-12 Education of the American Osteopathic Association.

2-13 SECTION 3. Sections 59.01(1) and (3), Education Code, are  
2-14 amended to read as follows:

2-15 (1) "Medical staff or students" means medical doctors,  
2-16 doctors of osteopathy, dentists, veterinarians, and podiatrists  
2-17 appointed to the faculty or professional medical staff employed for  
2-18 student health services by The University of Texas System, The  
2-19 Texas A&M University System, the Texas Tech University System, the  
2-20 Sam Houston State University College of Osteopathic Medicine, or  
2-21 the University of North Texas Health Science Center at Fort Worth,  
2-22 either full time or who, although appointed less than full time  
2-23 (including volunteers), either devote their total professional  
2-24 service to such appointment or provide services to patients by  
2-25 assignment from the department chairman; and interns, residents,  
2-26 fellows, and medical or dental students, veterinary students, and  
2-27 students of osteopathy participating in a patient-care program in  
2-28 The University of Texas System, The Texas A&M University System,  
2-29 the Texas Tech University System, the Sam Houston State University  
2-30 College of Osteopathic Medicine, or the University of North Texas  
2-31 Health Science Center at Fort Worth.

2-32 (3) "Board" means the board of regents of The  
2-33 University of Texas System, the board of regents of The Texas A&M  
2-34 University System, the board of regents of the Texas Tech  
2-35 University System, the board of regents of the Texas State  
2-36 University System, or the board of regents of the University of  
2-37 North Texas.

2-38 SECTION 4. Sections 59.02(a) and (c), Education Code, are  
2-39 amended to read as follows:

2-40 (a) Each board may establish a separate self-insurance fund  
2-41 to pay any damages adjudged in a court of competent jurisdiction or  
2-42 a settlement of any medical malpractice claim against a member of  
2-43 the medical staff or students arising from the exercise of the  
2-44 member's [his] appointment, duties, or training with The University  
2-45 of Texas System, The Texas A&M University System, the Texas Tech  
2-46 University System, the Sam Houston State University College of  
2-47 Osteopathic Medicine, or the University of North Texas Health  
2-48 Science Center at Fort Worth.

2-49 (c) On the establishment of each fund, transfers to the fund  
2-50 shall be made in an amount and at such intervals as determined by  
2-51 the board. Each board may receive and accept any gifts or donations  
2-52 specified for the purposes of this subchapter and deposit those  
2-53 gifts or donations into the fund. Each board may invest money  
2-54 deposited in the fund, and any income received shall be retained in  
2-55 the fund. The money shall be deposited in any of the approved  
2-56 depository banks of The University of Texas System, The Texas A&M  
2-57 University System, the Texas Tech University System, the Texas  
2-58 State University System, or the University of North Texas Health  
2-59 Science Center at Fort Worth. All expenditures from the funds shall  
2-60 be paid pursuant to approval by the boards.

2-61 SECTION 5. Section 61.003(5), Education Code, is amended to  
2-62 read as follows:

2-63 (5) "Medical and dental unit" means The Texas A&M  
2-64 University System Health Science Center and its component  
2-65 institutions, agencies, and programs; the Texas Tech University  
2-66 Health Sciences Center; the Texas Tech University Health Sciences  
2-67 Center at El Paso; the Sam Houston State University College of  
2-68 Osteopathic Medicine; The University of Texas Medical Branch at  
2-69 Galveston; The University of Texas Southwestern Medical Center; The

3-1 University of Texas Medical School at San Antonio; The University  
3-2 of Texas Dental Branch at Houston; The University of Texas M. D.  
3-3 Anderson Cancer Center; The University of Texas Graduate School of  
3-4 Biomedical Sciences at Houston; The University of Texas Dental  
3-5 School at San Antonio; The University of Texas Medical School at  
3-6 Houston; The University of Texas Health Science Center--South Texas  
3-7 and its component institutions, if established under Subchapter N,  
3-8 Chapter 74; the nursing institutions of The Texas A&M University  
3-9 System and The University of Texas System; and The University of  
3-10 Texas School of Public Health at Houston; and such other medical or  
3-11 dental schools as may be established by statute or as provided in  
3-12 this chapter.

3-13 SECTION 6. Section 61.501(1), Education Code, is amended to  
3-14 read as follows:

3-15 (1) "Medical school" means the medical school at The  
3-16 University of Texas Health Science Center at Houston, the medical  
3-17 school at The University of Texas Southwestern Medical Center, the  
3-18 medical school at The University of Texas Health Science Center at  
3-19 San Antonio, The University of Texas Medical Branch at Galveston,  
3-20 the medical school at The University of Texas at Austin, the medical  
3-21 school at The University of Texas Rio Grande Valley, the medical  
3-22 education program of The University of Texas Health Science Center  
3-23 at Tyler, the medical school at the Texas Tech University Health  
3-24 Sciences Center, the medical school at the Texas Tech University  
3-25 Health Sciences Center at El Paso, the Sam Houston State University  
3-26 College of Osteopathic Medicine, the Baylor College of Medicine,  
3-27 the college of osteopathic medicine at the University of North  
3-28 Texas Health Science Center at Fort Worth, or the medical school at  
3-29 the Texas A&M University Health Science Center.

3-30 SECTION 7. Section 63.002(c), Education Code, is amended to  
3-31 read as follows:

3-32 (c) The amount available for distribution from the fund may  
3-33 be appropriated only for programs that benefit medical research,  
3-34 health education, or treatment programs at the following  
3-35 health-related institutions of higher education:

- 3-36 (1) The University of Texas Health Science Center at  
3-37 San Antonio;
- 3-38 (2) The University of Texas M. D. Anderson Cancer  
3-39 Center;
- 3-40 (3) The University of Texas Southwestern Medical  
3-41 Center;
- 3-42 (4) The University of Texas Medical Branch at  
3-43 Galveston;
- 3-44 (5) The University of Texas Health Science Center at  
3-45 Houston;
- 3-46 (6) The University of Texas Health Science Center at  
3-47 Tyler;
- 3-48 (7) The University of Texas Health Science  
3-49 Center--South Texas and its component institutions, if established  
3-50 under Subchapter N, Chapter 74;
- 3-51 (8) The Texas A&M University Health Science Center;
- 3-52 (9) the University of North Texas Health Science  
3-53 Center at Fort Worth;
- 3-54 (10) the Texas Tech University Health Sciences Center;
- 3-55 (11) the Texas Tech University Health Sciences Center  
3-56 at El Paso; ~~and~~
- 3-57 (12) the Sam Houston State University College of  
3-58 Osteopathic Medicine; and
- 3-59 (13) Baylor College of Medicine, if a contract between  
3-60 Baylor College of Medicine and the Texas Higher Education  
3-61 Coordinating Board is in effect under Section 61.092.

3-62 SECTION 8. The Sam Houston State University College of  
3-63 Osteopathic Medicine is eligible to receive funding under  
3-64 Subchapter A, Chapter 63, Education Code, beginning with  
3-65 allocations for the state fiscal year that begins September 1,  
3-66 2019.

3-67 SECTION 9. This Act takes effect immediately if it receives  
3-68 a vote of two-thirds of all the members elected to each house, as  
3-69 provided by Section 39, Article III, Texas Constitution. If this

4-1 Act does not receive the vote necessary for immediate effect, this  
4-2 Act takes effect September 1, 2019.

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