

By: Frullo

H.B. No. 3463

A BILL TO BE ENTITLED

AN ACT

relating to the 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. (a) In this section:

(1) "Facility-based services" means emergency medicine, general hospital medicine, and radiology services provided at a hospital or other health care facility.

(2) "Other health care facility" means an ambulatory surgical center, emergency center, cancer center, or imaging center operated separately from a hospital.

(b) The board may employ physicians as the board considers necessary to provide facility-based services at a hospital or other health care facility 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 such facility-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.

1        (d) This section may not be construed as authorizing the  
2 board to supervise or control the practice of medicine, as  
3 prohibited by Subtitle B, Title 3, Occupations Code.

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

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

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

15                (1) policies relating to:

16                        (A) governance of the committee;

17                        (B) credentialing;

18                        (C) quality assurance;

19                        (D) utilization review;

20                        (E) peer review;

21                        (F) medical decision-making;

22                        (G) due process; and

23                        (H) covenants not to compete that comply with  
24 Section 15.50, Business & Commerce Code; and

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

27        (h) The medical executive committee and the board shall

1 jointly develop and implement a conflict management process to  
2 resolve any conflict between a policy or rule adopted by the  
3 committee under this section and a policy or rule of the district.

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

7 (1) is licensed by the Texas Medical Board;

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

10 (A) credentialing;

11 (B) quality assurance;

12 (C) utilization review;

13 (D) peer review;

14 (E) medical decision-making; and

15 (F) due process;

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

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

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

26 SECTION 2. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2019.