

By: Turner of Tarrant

H.B. No. 4039

A BILL TO BE ENTITLED

1 AN ACT
2 relating to meeting the graduate medical education needs of medical
3 degree programs offered or proposed by public institutions of
4 higher education.

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

6 SECTION 1. Section [61.05122](#), Education Code, is amended by
7 amending Subsections (b) and (d) and adding Subsections (b-1) and
8 (d-1) to read as follows:

9 (b) As soon as practicable after an institution of higher
10 education completes preliminary planning for a new doctor of
11 medicine (M.D.) or doctor of osteopathic medicine (D.O.) degree
12 program, the institution promptly shall provide to the board a
13 specific plan regarding the addition of first-year residency
14 positions for the graduate medical education program to be offered
15 in connection with the ~~new~~ degree program. The plan must propose
16 an increase in the number of those first-year residency positions
17 that, when combined with the total number of existing first-year
18 residency positions in this state, will be sufficient to reasonably
19 accommodate the number of anticipated graduates from all doctor of
20 medicine (M.D.) or doctor of osteopathic medicine (D.O.) degree
21 programs that are offered in this state, including the degree
22 program proposed by the institution, and to provide adequate
23 opportunity for those graduates to remain in this state for the
24 clinical portion of their education.

1 (b-1) If in its preliminary planning the institution
2 establishes a long-term targeted maximum individual enrollment
3 class size that differs from its proposed initial maximum
4 individual enrollment class size, the institution's plan under
5 Subsection (b) must include a proposed increase in the number of
6 first-year residency positions over time that will be sufficient to
7 accommodate, in accordance with the requirements of that
8 subsection, the institution's planned increase or increases in
9 maximum individual enrollment class size.

10 (d) An institution's projected increase in first-year
11 residency positions is presumed to be sufficient in its plan if,
12 considering both the institution's proposed initial maximum
13 individual enrollment class size and any projected growth in that
14 class size, the increase will achieve the purposes of this section
15 with respect to all graduates from degree programs described by
16 this section that are offered or will be offered by the institution.

17 (d-1) Any institution that experiences substantial growth
18 in an individual enrollment class size after the approval of its
19 plan promptly shall provide to the board an updated plan that
20 complies with Subsection (b) based on the institution's actual
21 maximum individual enrollment class size and, if the institution
22 anticipates continued substantial growth, based on the
23 institution's targeted maximum individual enrollment class size.
24 The board shall adopt rules that clearly define what constitutes a
25 substantial growth in class size for an institution subject to this
26 section.

27 SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2019.