

By: Bonnen of Galveston

H.B. No. 4215

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to voting by physicians at certain entities to authorize  
3 the differentiation of physicians based on maintenance of  
4 certification.

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

6 SECTION 1. Subchapter E, Chapter 241, Health and Safety  
7 Code, is amended by adding Section 241.1011 to read as follows:

8 Sec. 241.1011. HOSPITAL AUTHORITY TO DIFFERENTIATE BASED ON  
9 MAINTENANCE OF CERTIFICATION. An entity to which Section 151.0515,  
10 Occupations Code, applies violates this chapter if the entity does  
11 not comply with the requirements of that section regarding the  
12 provision of written notice regarding and the holding of an  
13 election to vote on whether to authorize the entity to  
14 differentiate between physicians based on a physician's  
15 maintenance of certification.

16 SECTION 2. Section 151.0515, Occupations Code, is amended  
17 by amending Subsections (c) and (d) and adding Subsection (c-1) to  
18 read as follows:

19 (c) Subject to this section, a separately certified ~~[An]~~  
20 entity described by Subsection (a) may differentiate between  
21 physicians based on a physician's maintenance of certification if  
22 the voting physician members of that ~~[the]~~ entity's organized  
23 medical staff vote to authorize the differentiation.

24 (c-1) An entity described by Subsection (a) shall:

1           (1) provide written notice to the voting physician  
2 members of the entity's organized medical staff of the process by  
3 which the members may request an election to vote on whether to  
4 authorize the entity to differentiate between physicians based on a  
5 physician's maintenance of certification; and

6           (2) if the voting physician members request the  
7 election in accordance with the process described in the notice  
8 required by Subdivision (1), hold the election not later than the  
9 60th day after the date of the request.

10           (d) An authorization described by Subsection (c) may:

11           (1) be made only by the voting physician members of the  
12 separately certified entity's organized medical staff and not by  
13 the entity's governing body, administration, medical executive  
14 committee, or any other person;

15           (2) subject to Subsection (e), establish terms  
16 applicable to the entity's differentiation, including:

17                   (A) appropriate grandfathering provisions; and

18                   (B) limiting the differentiation to certain  
19 medical specialties; and

20           (3) be rescinded at any time by a vote of the voting  
21 physician members of the entity's organized medical staff.

22           SECTION 3. This Act takes effect September 1, 2019.