By: Hall   S.B. No. 1236
    (Flynn)

A BILL TO BE ENTITLED

1   AN ACT

2   relating to authority of the Hunt Memorial Hospital District to

3   appoint, contract for, or employ physicians.

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

5   SECTION 1. Subchapter B, Chapter 1044, Special District

6   Local Laws Code, is amended by adding Section 1044.0605 to read as

7   follows:

8   Sec. 1044.0605. EMPLOYMENT OF PHYSICIANS. (a) The board

9   may appoint, contract for, or employ physicians as the board

10   considers necessary to provide medical services at a health care

11   facility owned or operated by the district as provided by this

12   section. The board may retain all or part of the professional

13   income generated by a physician employed by the district for those

14   medical services if the board satisfies the requirements of this

15   section.

16   (b) This section may not be construed as authorizing the

17   board to supervise or control the practice of medicine, as

18   prohibited by Subtitle B, Title 3, Occupations Code.

19   (c) The board shall:

20   (1) appoint a chief medical officer for the district

21   who has been recommended by the medical staff of the district; and

22   (2) adopt, maintain, and enforce policies to ensure

23   that a physician employed by the district exercises the physician's

24   independent medical judgment in providing care to patients at

1 health care facilities owned or operated by the district.

2   (d) The policies adopted under this section must include:

3   (1) policies relating to:

4   (A) credentialing and privileges;

5   (B) quality assurance;

6   (C) utilization review;

7   (D) peer review and due process; and

8   (E) medical decision-making; and

9   (2) the implementation of a complaint mechanism to

10 process and resolve complaints regarding interference or attempted

11 interference with a physician's independent medical judgment.

12   (e) The policies adopted under this section must be approved

13 by the medical staff of the district. The chief medical officer and

14 the board shall jointly develop and implement a conflict management

15 policy to resolve any conflict between a policy approved by the

16 medical staff under this section and any other district policy.

17   (f) For all matters relating to the practice of medicine,

18 each physician employed by the district shall ultimately report to

19 the chief medical officer of the district.

20   (g) The chief medical officer shall notify the Texas Medical

21 Board that the district is employing physicians under this section

22 and that the chief medical officer is the district's designated

23 contact with the Texas Medical Board. The chief medical officer

24 shall immediately report to the Texas Medical Board any action or

25 event that the chief medical officer reasonably and in good faith

26 believes constitutes a compromise of the independent medical

27 judgment of a physician in caring for a patient.

1   (h) The board shall give equal consideration regarding the

2 issuance of medical staff membership and privileges to physicians

3 employed by the district and physicians not employed by the

4 district.

5   (i) A physician employed by the district shall retain

6 independent medical judgment in providing care to patients at a

7 health care facility owned or operated by the district and may not

8 be disciplined for reasonably advocating for patient care.

9   (j) If the district provides professional liability

10 coverage for physicians employed by the district, a physician

11 employed by the district may participate in the selection of the

12 professional liability coverage, has the right to an independent

13 defense at the physician's own cost, and retains the right to

14 consent to the settlement of any action or proceeding brought

15 against the physician.

16   (k) If a physician employed by the district enters into an

17 employment agreement that includes a covenant not to compete, the

18 agreement is subject to Section 15.50, Business & Commerce Code,

19 and any other applicable law.

20   SECTION 2. This Act takes effect September 1, 2019.