

By: Zaffirini

S.B. No. 1635

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to medical and dental clinical education in public and  
3 nonprofit hospitals.

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

5 SECTION 1. Section 61.003(5), Education Code, is amended to  
6 read as follows:

7 (5) "Medical and dental unit" means The Texas A&M  
8 University System Health Science Center and its component  
9 institutions, agencies, and programs; the Texas Tech University  
10 Health Sciences Center; the Texas Tech University Health Sciences  
11 Center at El Paso; the University of Houston College of Medicine;  
12 The University of Texas Medical Branch at Galveston; The University  
13 of Texas Southwestern Medical Center; The University of Texas  
14 Medical School at San Antonio; The University of Texas Dental  
15 Branch at Houston; The University of Texas M. D. Anderson Cancer  
16 Center; The University of Texas Graduate School of Biomedical  
17 Sciences at Houston; The University of Texas Dental School at San  
18 Antonio; The University of Texas Medical School at Houston; the  
19 Dell Medical School at The University of Texas at Austin; the School  
20 of Medicine at The University of Texas Rio Grande Valley; The  
21 University of Texas Health Science Center at Tyler [~~The University~~  
22 ~~of Texas Health Science Center--South Texas and its component~~  
23 ~~institutions, if established under Subchapter N, Chapter 74~~]; the  
24 nursing institutions of The Texas A&M University System and The

1 University of Texas System; and The University of Texas School of  
2 Public Health at Houston; and such other medical or dental schools  
3 as may be established by statute or as provided in this chapter.

4 SECTION 2. Section 312.002, Health and Safety Code, is  
5 amended by adding Subdivision (4-a) to read as follows:

6 (4-a) "Nonprofit hospital" means a hospital, clinic,  
7 or other facility for the provision of health care or dental care  
8 that is:

9 (A) owned or operated by:

10 (i) a nonprofit hospital, as defined by  
11 Section 311.042; or

12 (ii) a nonprofit supporting entity, as  
13 defined by Section 311.042; or

14 (B) operated by a health organization that is  
15 certified under Section 162.001(b) or (c), Occupations Code.

16 SECTION 3. Sections 312.004(a), (c), and (e), Health and  
17 Safety Code, are amended to read as follows:

18 (a) Medical and dental units, supported medical or dental  
19 schools, coordinating entities, and public or nonprofit hospitals  
20 may make and perform contracts among each other for the coordinated  
21 or cooperative clinical education of the students, interns,  
22 residents, and fellows enrolled at the units or schools.

23 (c) A medical and dental unit, a supported medical or dental  
24 school, and a coordinating entity may contract with the owner or  
25 operator of a public or nonprofit hospital for the clinical  
26 education of students, interns, residents, and fellows enrolled at  
27 the unit or school.

1 (e) The contract may provide for the coordinated,  
2 cooperative, or exclusive assignment of the interns, residents,  
3 fellows, faculty, and associated health care professionals of the  
4 participating medical and dental units and supported medical or  
5 dental schools to provide or perform health or dental services or  
6 research at a public or nonprofit hospital.

7 SECTION 4. Section 312.006(a), Health and Safety Code, is  
8 amended to read as follows:

9 (a) A medical and dental unit, supported medical or dental  
10 school, or coordinating entity engaged in coordinated or  
11 cooperative medical or dental clinical education under Section  
12 312.004, including patient care and the provision or performance of  
13 health or dental services or research at a public or nonprofit  
14 hospital, is not liable for its acts and omissions in connection  
15 with those activities except to the extent and up to the maximum  
16 amount of liability of state government under Section 101.023(a),  
17 Civil Practice and Remedies Code, for the acts and omissions of a  
18 governmental unit of state government under Chapter 101, Civil  
19 Practice and Remedies Code.

20 SECTION 5. Section 312.007, Health and Safety Code, is  
21 amended by adding Subsection (d) to read as follows:

22 (d) Regardless of whether the medical and dental unit  
23 complies with the provisions of Section 312.003, 312.004, or  
24 312.005, the limitations on liability provided by this section  
25 apply to interns, residents, fellows, faculty members, and other  
26 associated health care professionals or employees of a medical and  
27 dental unit participating in the coordinated or cooperative

1 education under Section 312.004 of students, interns, residents, or  
2 fellows attending the medical and dental unit or participating in a  
3 training program sponsored by the medical and dental unit.

4         SECTION 6. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2019.