

1-1 By: Sheffield, Springer, Clardy H.B. No. 3433  
 1-2 (Senate Sponsor - Kolkhorst)  
 1-3 (In the Senate - Received from the House May 11, 2015;  
 1-4 May 12, 2015, read first time and referred to Committee on Health  
 1-5 and Human Services; May 20, 2015, reported favorably by the  
 1-6 following vote: Yeas 7, Nays 0; May 20, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to level of care designations for hospitals that provide  
 1-21 neonatal and maternal care.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Sections 241.187(b), (d), and (j), Health and  
 1-24 Safety Code, as added by Chapter 217 (H.B. 15), Acts of the 83rd  
 1-25 Legislature, Regular Session, 2013, are amended to read as follows:

1-26 (b) The advisory council consists of 19 [~~17~~] members  
 1-27 appointed by the executive commissioner as follows:

1-28 (1) four physicians licensed to practice medicine  
 1-29 under Subtitle B, Title 3, Occupations Code, specializing in  
 1-30 neonatology:

1-31 (A) at least two of whom practice in a Level III  
 1-32 or IV neonatal intensive care unit; and

1-33 (B) at least one of whom practices in a neonatal  
 1-34 intensive care unit of a hospital located in a rural area;

1-35 (2) one physician licensed to practice medicine under  
 1-36 Subtitle B, Title 3, Occupations Code, specializing in general  
 1-37 pediatrics;

1-38 (3) two physicians licensed to practice medicine under  
 1-39 Subtitle B, Title 3, Occupations Code, specializing in  
 1-40 obstetrics-gynecology;

1-41 (4) two physicians licensed to practice medicine under  
 1-42 Subtitle B, Title 3, Occupations Code, specializing in maternal  
 1-43 fetal medicine;

1-44 (5) two physicians [~~one physician~~] licensed to  
 1-45 practice medicine under Subtitle B, Title 3, Occupations Code,  
 1-46 specializing in family practice who provide [~~provides~~]  
 1-47 care in a rural community, at least one of whom must provide such  
 1-48 care at a hospital that has 50 or fewer patient beds and that is:

1-49 (A) located in a county with a population of  
 1-50 60,000 or less; or

1-51 (B) designated by the Centers for Medicare and  
 1-52 Medicaid Services as a critical access hospital, rural referral  
 1-53 center, or sole community hospital;

1-54 (6) one registered nurse licensed under Subtitle E,  
 1-55 Title 3, Occupations Code, with expertise in maternal health care  
 1-56 delivery;

1-57 (7) one registered nurse licensed under Subtitle E,  
 1-58 Title 3, Occupations Code, with expertise in perinatal health care  
 1-59 delivery;

1-60 (8) one representative from a children's hospital;

1-61 (9) one representative from a hospital with a Level II

2-1 neonatal intensive care unit;  
 2-2 (10) two representatives [~~one representative~~] from a  
 2-3 rural hospital, at least one of whom must be an administrative  
 2-4 representative from a hospital that has 50 or fewer patient beds and  
 2-5 that is:

2-6 (A) located in a county with a population of  
 2-7 60,000 or less; or

2-8 (B) designated by the Centers for Medicare and  
 2-9 Medicaid Services as a critical access hospital, rural referral  
 2-10 center, or sole community hospital;

2-11 (11) one representative from a general hospital; and

2-12 (12) one ex officio representative from the office of  
 2-13 the medical director of the Health and Human Services Commission.

2-14 (d) Members of the advisory council described by  
 2-15 Subsections (b)(1)-(11) serve staggered three-year terms, with the  
 2-16 terms of [~~five or~~] six of those members expiring September 1 of each  
 2-17 year. A member may be reappointed to the advisory council.

2-18 (j) The advisory council shall submit a report detailing the  
 2-19 advisory council's determinations and recommendations to the  
 2-20 department and the executive commissioner not later than September  
 2-21 1, 2016 [~~2015~~].

2-22 SECTION 2. Notwithstanding Section 241.187, Health and  
 2-23 Safety Code, as added by Chapter 217 (H.B. 15), Acts of the 83rd  
 2-24 Legislature, Regular Session, 2013, and as amended by this Act, of  
 2-25 the two additional persons appointed to the Perinatal Advisory  
 2-26 Council by this Act, the executive commissioner of the Health and  
 2-27 Human Services Commission shall appoint the additional member  
 2-28 described by Section 241.187(b)(5), Health and Safety Code, to an  
 2-29 initial term that expires September 1, 2019, and the additional  
 2-30 member described by Section 241.187(b)(10), Health and Safety Code,  
 2-31 to an initial term that expires September 1, 2017. The executive  
 2-32 commissioner shall make the appointments not later than October 1,  
 2-33 2015.

2-34 SECTION 3. Notwithstanding Section 2, Chapter 217 (H.B.  
 2-35 15), Acts of the 83rd Legislature, Regular Session, 2013:

2-36 (1) the executive commissioner of the Health and Human  
 2-37 Services Commission shall adopt the initial rules required by  
 2-38 Section 241.183, Health and Safety Code, as added by Chapter 217  
 2-39 (H.B. 15), Acts of the 83rd Legislature, Regular Session, 2013, not  
 2-40 later than March 1, 2018, after consideration of the report of the  
 2-41 Perinatal Advisory Council;

2-42 (2) the executive commissioner of the Health and Human  
 2-43 Services Commission shall complete for each hospital in this state:

2-44 (A) the neonatal level of care designation not  
 2-45 later than August 31, 2018; and

2-46 (B) the maternal level of care designation not  
 2-47 later than August 31, 2020; and

2-48 (3) a hospital is not required to have:

2-49 (A) a neonatal level of care designation as a  
 2-50 condition of reimbursement for neonatal services through the  
 2-51 Medicaid program before September 1, 2018; and

2-52 (B) a maternal level of care designation as a  
 2-53 condition of reimbursement for maternal services through the  
 2-54 Medicaid program before September 1, 2020.

2-55 SECTION 4. If before implementing any provision of this Act  
 2-56 a state agency determines that a waiver or authorization from a  
 2-57 federal agency is necessary for implementation of that provision,  
 2-58 the agency affected by the provision shall request the waiver or  
 2-59 authorization and may delay implementing that provision until the  
 2-60 waiver or authorization is granted.

2-61 SECTION 5. This Act takes effect immediately if it receives  
 2-62 a vote of two-thirds of all the members elected to each house, as  
 2-63 provided by Section 39, Article III, Texas Constitution. If this  
 2-64 Act does not receive the vote necessary for immediate effect, this  
 2-65 Act takes effect September 1, 2015.

2-66 \* \* \* \* \*