

1-1 By: Hall S.B. No. 1236
1-2 (In the Senate - Filed February 27, 2019; March 7, 2019,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 1, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 April 1, 2019, 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 COMMITTEE SUBSTITUTE FOR S.B. No. 1236 By: Campbell

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to authority of the Hunt Memorial Hospital District to
1-20 appoint, contract for, or employ physicians.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 1044, Special District
1-23 Local Laws Code, is amended by adding Section 1044.0605 to read as
1-24 follows:

1-25 Sec. 1044.0605. EMPLOYMENT OF PHYSICIANS. (a) The board
1-26 may appoint, contract for, or employ physicians as the board
1-27 considers necessary to provide medical services at a health care
1-28 facility owned or operated by the district as provided by this
1-29 section. The board may retain all or part of the professional
1-30 income generated by a physician employed by the district for those
1-31 medical services if the board satisfies the requirements of this
1-32 section.

1-33 (b) This section may not be construed as authorizing the
1-34 board to supervise or control the practice of medicine, as
1-35 prohibited by Subtitle B, Title 3, Occupations Code.

1-36 (c) The board shall:

1-37 (1) appoint a chief medical officer for the district
1-38 who has been recommended by the medical staff of the district; and

1-39 (2) adopt, maintain, and enforce policies to ensure
1-40 that a physician employed by the district exercises the physician's
1-41 independent medical judgment in providing care to patients at
1-42 health care facilities owned or operated by the district.

1-43 (d) The policies adopted under this section must include:

1-44 (1) policies relating to:

1-45 (A) credentialing and privileges;

1-46 (B) quality assurance;

1-47 (C) utilization review;

1-48 (D) peer review and due process; and

1-49 (E) medical decision-making; and

1-50 (2) the implementation of a complaint mechanism to
1-51 process and resolve complaints regarding interference or attempted
1-52 interference with a physician's independent medical judgment.

1-53 (e) The policies adopted under this section must be approved
1-54 by the medical staff of the district. The chief medical officer and
1-55 the board shall jointly develop and implement a conflict management
1-56 policy to resolve any conflict between a policy approved by the
1-57 medical staff under this section and any other district policy.

1-58 (f) For all matters relating to the practice of medicine,
1-59 each physician employed by the district shall ultimately report to
1-60 the chief medical officer of the district.

2-1 (g) The chief medical officer shall notify the Texas Medical
2-2 Board that the district is employing physicians under this section
2-3 and that the chief medical officer is the district's designated
2-4 contact with the Texas Medical Board. The chief medical officer
2-5 shall immediately report to the Texas Medical Board any action or
2-6 event that the chief medical officer reasonably and in good faith
2-7 believes constitutes a compromise of the independent medical
2-8 judgment of a physician in caring for a patient.

2-9 (h) The board shall give equal consideration regarding the
2-10 issuance of medical staff membership and privileges to physicians
2-11 employed by the district and physicians not employed by the
2-12 district.

2-13 (i) A physician employed by the district shall retain
2-14 independent medical judgment in providing care to patients at a
2-15 health care facility owned or operated by the district and may not
2-16 be disciplined for reasonably advocating for patient care.

2-17 (j) If the district provides professional liability
2-18 coverage for physicians employed by the district, a physician
2-19 employed by the district may participate in the selection of the
2-20 professional liability coverage, has the right to an independent
2-21 defense at the physician's own cost, and retains the right to
2-22 consent to the settlement of any action or proceeding brought
2-23 against the physician.

2-24 (k) If a physician employed by the district enters into an
2-25 employment agreement that includes a covenant not to compete, the
2-26 agreement is subject to Section 15.50, Business & Commerce Code,
2-27 and any other applicable law.

2-28 SECTION 2. This Act takes effect September 1, 2019.

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