

1-1 By: Perry S.B. No. 1690
 1-2 (In the Senate - Filed March 6, 2019; March 14, 2019, read
 1-3 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 6, Nays 0;
 1-6 April 1, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
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. 1690 By: Schwertner

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

1-19 relating to authority of the Lubbock County Hospital District of
 1-20 Lubbock County, Texas, to employ physicians.

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

1-22 SECTION 1. Subchapter B, Chapter 1053, Special District
 1-23 Local Laws Code, is amended by adding Section 1053.0601 to read as
 1-24 follows:

1-25 Sec. 1053.0601. EMPLOYMENT OF PHYSICIANS TO PROVIDE CERTAIN
 1-26 HOSPITAL-BASED SERVICES. (a) For purposes of this section,
 1-27 "hospital-based services" means the following services when
 1-28 provided at a hospital:

- 1-29 (1) emergency medicine;
- 1-30 (2) general medicine practiced by a hospitalist; and
- 1-31 (3) radiology services.

1-32 (b) The board may employ physicians as the board considers
 1-33 necessary to provide hospital-based services at a hospital owned or
 1-34 operated by the district as provided by this section. The board may
 1-35 retain all or part of the professional income generated by a
 1-36 physician employed by the district for those hospital-based
 1-37 services if the board satisfies the requirements of this section.

1-38 (c) The term of an employment contract entered into under
 1-39 this section may not exceed five years.

1-40 (d) This section may not be construed as authorizing the
 1-41 board to:

- 1-42 (1) supervise or control the practice of medicine, as
 1-43 prohibited by Subtitle B, Title 3, Occupations Code; or
- 1-44 (2) employ physicians for any purpose other than the
 1-45 provision of hospital-based services at a hospital owned or
 1-46 operated by the district.

1-47 (e) The authority granted to the board under Subsection (b)
 1-48 to employ physicians shall apply as necessary for the district to
 1-49 fulfill the district's statutory mandate to provide medical and
 1-50 hospital care to the district's residents, including the district's
 1-51 needy and indigent residents, as provided by Sections 1053.101 and
 1-52 1053.104.

1-53 (f) The medical executive committee of the district shall
 1-54 adopt, maintain, and enforce policies to ensure that a physician
 1-55 employed by the district exercises the physician's independent
 1-56 medical judgment in providing care to patients.

1-57 (g) The policies adopted by the medical executive committee
 1-58 under this section must include:

- 1-59 (1) policies relating to:
 1-60 (A) governance of the medical executive

2-1 committee;
 2-2 (B) credentialing;
 2-3 (C) quality assurance;
 2-4 (D) utilization review;
 2-5 (E) peer review;
 2-6 (F) medical decision-making; and
 2-7 (G) due process; and
 2-8 (2) rules requiring the disclosure of financial
 2-9 conflicts of interest by a member of the medical executive
 2-10 committee.

2-11 (h) The medical executive committee and the board shall
 2-12 jointly develop and implement a conflict management process to
 2-13 resolve any conflict between a policy adopted by the medical
 2-14 executive committee under this section and a policy of the
 2-15 district.

2-16 (i) A member of the medical executive committee who is a
 2-17 physician shall provide biennially to the chair of the medical
 2-18 executive committee a signed, verified statement indicating that
 2-19 the committee member:

2-20 (1) is licensed by the Texas Medical Board;
 2-21 (2) will exercise independent medical judgment in all
 2-22 medical executive committee matters, including matters relating
 2-23 to:

2-24 (A) credentialing;
 2-25 (B) quality assurance;
 2-26 (C) utilization review;
 2-27 (D) peer review;
 2-28 (E) medical decision-making; and
 2-29 (F) due process;

2-30 (3) will exercise the committee member's best efforts
 2-31 to ensure compliance with the policies that are adopted or
 2-32 established by the medical executive committee; and

2-33 (4) will report immediately to the Texas Medical Board
 2-34 any action or event that the committee member reasonably and in good
 2-35 faith believes constitutes a compromise of the independent medical
 2-36 judgment of a physician in caring for a patient.

2-37 (j) For all matters relating to the practice of medicine,
 2-38 each physician employed by the district shall ultimately report to
 2-39 the chair of the medical executive committee for the district.

2-40 SECTION 2. This Act takes effect immediately if it receives
 2-41 a vote of two-thirds of all the members elected to each house, as
 2-42 provided by Section 39, Article III, Texas Constitution. If this
 2-43 Act does not receive the vote necessary for immediate effect, this
 2-44 Act takes effect September 1, 2019.

2-45 * * * * *