

BILL ANALYSIS

H.B. 3885
By: Coleman
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that hospitals in Texas, particularly those in underserved communities, struggle to recruit and retain an adequate number of psychiatrists and contend that allowing hospitals to directly employ psychiatrists would encourage psychiatrists to relocate to and practice in underserved communities. H.B. 3885 seeks to authorize certain licensed private hospitals and private mental hospitals to directly employ psychiatrists.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3885 amends the Health and Safety Code to extend the applicability of statutory provisions relating to the employment of physicians by certain hospitals to a hospital that employs or seeks to employ a psychiatrist and that is a licensed private hospital or a licensed private mental hospital located in an area designated by the United States secretary of health and human services as having, as provided by federal law, a shortage of personal health services or a population group that has such a shortage or a health professional shortage.

H.B. 3885 conditions the authorization for a licensed private hospital and a licensed private mental hospital to employ a physician under those provisions on the physician being a psychiatrist and remaining employed by the hospital for not more than 10 years from the date of initial employment. The bill requires the chief medical officer of a licensed private hospital or a licensed private mental hospital that employs such a physician, in addition to the requirements prescribed under statutory provisions relating to hospital duties and policies, to certify in writing to the Texas Medical Board that the hospital, using commercially reasonable efforts, had not been able to recruit a physician to provide psychiatric services at the hospital for at least 12 continuous months, the hiring of the physician did not supplant a physician with privileges or a contract with the hospital, and the hospital did not actively recruit a physician who at any time during the recruitment period was employed to provide psychiatric services by a federally qualified health center or rural health clinic, as those terms are defined by federal law, or another community health clinic not affiliated with the hospital. The bill requires the chief medical officer to include with the written certification a description of the commercially reasonable efforts the hospital used to recruit a physician and the reason for the hospital's lack of success, if known.

EFFECTIVE DATE

September 1, 2017.