

BILL ANALYSIS

Senate Research Center

H.B. 3266
By: Craddick (Bivins)
Intergovernmental Relations
5-8-97
Engrossed

DIGEST

Currently, hospitals are suffering due to the continual and dramatic change in the health care business. Smaller communities in Texas having difficulty finding and retaining needed medical assistance, may be required to reduce services offered if support assistance is not received from regional hospitals. This bill clarifies the authority of the Midland County Hospital District to respond to and participate in solutions to help smaller governmental hospitals remain functional.

PURPOSE

As proposed, H.B. 3266 clarifies the authority of the Midland County Hospital District to respond to and participate in solutions to help smaller governmental hospitals remain functional.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3(a), Chapter 112, Acts of the 65th Legislature, Regular Session, 1977, to provide that the Midland County Hospital District (district) is charged with establishing a hospital or a hospital system, including medical facilities and other health facilities. Provides that no other municipality or political subdivision has the authority to levy taxes or issue bonds or other obligations for hospital purposes or for providing medical care within the boundaries of the district. Deletes a provision prohibiting a municipality or political subdivision of this state from levying taxes or issuing bonds or other obligations of indebtedness for the purpose of providing hospital service or medical care with the district. Requires the district to provide all necessary medical and hospital care, rather than all hospital and medical care. Authorizes the district to provide certain services, provided that the services serve the purpose of the district as established by this Act.

SECTION 2. Amends Chapter 112, Acts of the 65th Legislature, Regular Session, 1977, by adding Section 5A, as follows:

Sec. 5A. Prohibits a write-in vote from being counted unless the name written in appears on the list of write-in candidates in a general or special election of the board of directors of the district (board). Requires a candidate to make a declaration of write-in candidacy, to be entitled to a place on the list of write-in candidates. Sets forth requirements for a declaration of write-in candidacy. Provides that Chapter 146B, Election Code, applies to write-in voting in an election of directors except to the extent of a conflict with this section.

SECTION 3. Amends Section 6, Chapter 112, Acts of the 65th Legislature, Regular Session, 1977, to require the board to manage, control, and administer the hospital or hospital system of the district. Authorizes the board to enter into agreements, spend district funds, and take other necessary action to recruit or otherwise obtain physicians and other personnel for the district's medical staff or for employment with the hospital or hospital system, including medical or other health facilities owned or operated by the district. Provides that actions may include advertising and marketing, paying recruitment expenses, paying travel and relocation expenses, and providing subsidies and scholarships. Authorizes the board to contract with any person, firm, corporation, political subdivision, or governmental agency, rather than any other political subdivision or governmental agency. Authorizes

the board to contract with certain entities inside or outside its boundaries. Authorizes the district to operate or provide for the operation of an ambulance or mobile emergency service. Authorizes the district to contract with certain entities for certain services, including the promotion of health. Authorizes the board of directors to exercise all of the powers, rather than foregoing powers of this section and all other sections of this Act, unless an operating or management agreement is entered into. Requires a management agreement entered into with the board of directors, in accordance with Section 7 hereof, to be exercised pursuant to the operating or management agreement. Makes conforming and nonsubstantive changes.

SECTION 4. Amends Section 7, Chapter 112, Acts of the 65th Legislature, Regular Session, 1977, to provide that a nonprofit corporation that manages a hospital or provides services under a contract with the district under this Act and any employee of the corporation are, while performing services under the contract for the benefit of the district, employees of the district for the purposes of Chapters 101 and 102, Civil Practice and Remedies Code.

SECTION 5. Amends Section 11, Chapter 112, Acts of the 65th Legislature, Regular Session, 1977, to provide that the board of directors is given complete discretion in certain matters deemed necessary by the board of directors for a hospital or hospital system and a medical facility or other health facility included in the hospital or hospital system, rather than matters deemed necessary for medical and hospital care by the board of directors. Authorizes the board of directors to hold, construct, condemn, purchase, acquire, lease, add to, maintain, operate, regulate, sell, convey or otherwise dispose of land, equipment or property of any nature, or a property right, hospital facility or hospital system on certain terms and conditions in the best interest of the district's inhabitants. Deletes a provision authorizing the district to sell any property, real or personal, or equipment of any nature on terms and conditions found by the board to be in the best interest of its inhabitants.

SECTION 6. Amends Section 12, Chapter 112, Acts of the 65th Legislature, Regular Session, 1977, to authorize the board of directors to delegate all or any of its powers by appropriate resolution to that effect to certain entities that enter into an operating or management agreement with the district to exercise all or any of those powers. Provides that the provisions of Chapter 2253, Government Code, rather than Article 5160, V.T.C.S., apply to construction contracts let by the district. Authorizes the district to acquire equipment for use in its hospital system, including medical facilities and health facilities.

SECTION 7. Effective date: September 1, 1997.

SECTION 8. Emergency clause.