

BILL ANALYSIS

Senate Research Center
78R1578 EMT-D

H.B. 940
By: Chisum (Bivins)
Intergovernmental Relations
4/7/2003
Engrossed

DIGEST AND PURPOSE

The Hemphill County Hospital District was created by the 66th Texas Legislature in 1979. As proposed, H.B. 940 amends the enabling legislation to update the District's abilities to provide a full range of acute care hospital, post-hospital and ancillary care services.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 4(c), Chapter 424, Acts of the 66th Legislature, Regular Session, 1979, to require notice of an election of directors to be published one time at least 30 days before the date of the election in a newspaper or newspapers which individually or collectively have general circulation in the district. Requires a person who wishes to have the person's name printed on the ballot as a candidate for director to file an application with the secretary of the board not later than the 45th day before the date of the election. Provides that Chapter 2C, Election Code, applies to the election of unopposed candidates for the board of directors.

SECTION 2. Amends Section 5, Chapter 424, Acts of the 66th Legislature, Regular Session, 1979, as follows:

- (a) Requires the board of directors (board) to manage, control, and administer the ancillary health care system, but requires that in no event can certain reserves be invested other than those specified in Chapter 2256A, Government Code (Public Funds Investment; Authorized Investments for Governmental Entities), rather than Article 836 or 837, Revised Civil Statutes of Texas, 1925, as amended.
- (b) Authorizes the district to adopt rules governing the operation of certain entities. Makes a conforming change.
- (c) Makes conforming changes.
- (d) Makes a nonsubstantive and a conforming change.
- (e) Makes conforming changes.
- (f) Makes a conforming change.

SECTION 3. Amends Section 6, Chapter 424, Acts of the 66th Legislature, Regular Session, 1979, as follows:

- Sec. 6. BUDGET AND ANNUAL AUDIT. (a) Creates new subsection from existing text.
- (b) Requires the board, as soon as practicable after the end of each district fiscal year, to have an annual audit made of the finances of the district. Requires the board to select a qualified independent accounting firm to perform the audit.

Requires the audit to contain a detailed accounting of disbursements.

(f) Deletes current language in existing text related to a sworn statement regarding the money and disbursements belonging to the district.

(b-f) Creates new subsections from existing text and makes nonsubstantive changes.

SECTION 4. Amends Chapter 424, Acts of the 66th Legislature, Regular Session, 1979, by adding Section 6A, as follows:

Sec. 6A. EMERGENCY ACTION. (a) Authorizes the administrator or manager, in an emergency, to take any lawful action necessary to preserve district assets or protect patient health and safety.

(b) Requires the administrator or manager, as soon as practicable after any action is taken, to report the emergency action to board, and requires the board to amend the annual budget to reflect the costs of the action, if any.

SECTION 5. Amends Section 7(a), Chapter 424, Acts of the 66th Legislature, Regular Session, 1979, to make a conforming change.

SECTION 6. Amends Section 8, Chapter 424, Acts of the 66th Legislature, Regular Session, 1979, to make conforming and nonsubstantive changes. Deletes reference in text to Article 4494r, V.T.C.S.

SECTION 7. Amends Section 9, Chapter 424, Acts of the 66th Legislature, Regular Session, 1979, to make a conforming change. Deletes reference in text to Article 717k, V.T.C.S. and Article 717k-3, V.T.C.S.

SECTION 8. Amends Section 10, Chapter 424, Acts of the 66th Legislature, Regular Session, 1979, to require bonds of the district payable from taxes or revenues to perform certain functions.

SECTION 9. Amends Section 11, Chapter 424, Acts of the 66th Legislature, Regular Session, 1979, as follows:

Sec. 11. (a) Provides that the board has complete discretion to determine the type, number, and location, either inside or outside the district, of facilities and services required to establish and maintain an adequate hospital system and ancillary health care system. Authorizes the hospital system and ancillary health care system to include equipment, facilities, and services considered necessary for hospital care and ancillary health care by the directors, including domiciliary care and treatment of sick or injured patients, geriatric services, outpatient clinics, rural health clinics, convalescent home facilities, physician's offices, home health services, long-term care, skilled nursing care, intermediate nursing care, assisted living facilities, hospice care, ambulatory surgery centers, urgent care facilities, and operation of a mobile emergency medical service.

(b) Authorizes the board to enter into an operating or management contract with one or more public or private entities with regard to all or part of district facilities and services. Authorizes the board, on behalf of the district, to enter into a joint ownership arrangement with a public or private entity to provide management or operating services if the board determines that the joint ownership arrangement is in the district's best interests and does not violate Article III, Section 52, Texas Constitution.

(c) Authorizes the board, on behalf of the district, to lease or sell or otherwise dispose of all or part of the district's property of any nature, including the district's hospital, ancillary health care facilities or other facilities, buildings, supplies, or equipment, to a public or private entity.

(d) Requires all contracts for construction to be made in the manner provided by Chapter 271B, Local Government Code, rather than Article 2368a, V.T.C.S., and Article 5160, V.T.C.S..

(e) Makes a conforming change.

SECTION 10. Amends Section 16, Chapter 424, Acts of the 66th Legislature, Regular Session, 1979, as follows:

(a) Deletes current language from existing text related to tax assessment and collection.

(b) Provides that the Tax Code governs the appraisal, assessment, and collection of district taxes.

(c) Authorizes the board to provide for the appointment of a tax assessor-collector for the district or to contract for the assessment and collection of taxes as provided by the Tax Code.

SECTION 11. Amends Section 18, Chapter 124, Acts of the 66th Legislature, Regular Session, 1979, as follows:

Sec. 18. (a) Requires the district, not later than the first day of each operating year, to adopt an application procedure to determine eligibility for assistance, as provided by Section 61.053, Health and Safety Code (Application Procedure).

(b) Makes nonsubstantive changes.

(c) Authorizes the administrator or manager to collect money owed to the district, rather than requiring the administrator or manager to have the power an authority to collect these sums. Makes conforming changes.

(d) Makes conforming changes.

(e) Makes nonsubstantive changes.

(f) Requires appeals from the board of directors to be made to the district court.

SECTION 12. Effective date: upon passage or September 1, 2003.