

BILL ANALYSIS

Senate Research Center
83R18857 CJC-F

S.B. 1916
By: West
Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Parkland Center for Clinical Innovation (PCCI) is a nonprofit research and development corporation that specializes in real-time predictive and surveillance analytics for health care. PCCI supports Parkland Health and Hospital System (Parkland) to produce the best possible outcomes for its patients. PCCI was organized to help transform the delivery of health care by developing cutting-edge software and analytic methods to improve the quality and safety of care for patients. In addition, PCCI seeks to develop financial resources for Parkland by protecting related intellectual property and making such software and analytic methods available to hospitals and other providers of health care services.

Although Parkland currently possesses the authority to develop or convey “any property right,” under Section 281.050 (Powers Relating to District Property, Facilities, and Equipment), Health and Safety Code, S.B. 1916 explicitly provides Parkland with governing authority to develop and convey intellectual property (IP) rights. Specifically, S.B. 1916 gives Parkland the authority to protect, register, sell, license, or contract to provide services related to technology and/or IP developed by Parkland or PCCI. Furthermore, the bill provides authority for Parkland or PCCI to contract, collaborate, or enter into a joint venture with public and private entities in order to achieve the purposes for which it was formed. The bill, however, exempts IP and technology developed by Parkland or PCCI from disclosure under the Texas Public Information Act, and ensures that the financial benefits derived from technology or other IP developed by PCCI are financial resources for Parkland.

As proposed, S.B. 1916 amends current law relating to the authority of the Dallas County Hospital District or a nonprofit corporation formed by the district regarding certain technology or intellectual property developed or in development by or for the district or corporation.

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 Subchapter C, Chapter 281, Health and Safety Code, by adding Section 281.0518, as follows:

Sec. 281.0518. DALLAS COUNTY HOSPITAL DISTRICT; AUTHORITY TO SELL OR LICENSE INTELLECTUAL PROPERTY. (a) Authorizes the Dallas County Hospital District (district) or a nonprofit corporation formed by the district to:

- (1) sell or license technology or intellectual property that is:
 - (A) developed or in development by the district or nonprofit corporation; or
 - (B) developed or in development for the district or nonprofit corporation by a contractor under a contract, unless the sale or

licensure of the technology or intellectual property is prohibited by the contract;

(2) enter into a contract to provide services related to technology or intellectual property developed, in development, sold, or licensed under Subdivision (1);

(3) contract, collaborate, or enter into a joint venture or other agreement with a public or private entity to engage in an activity authorized under Subdivision (1) or (2); or

(4) take any other action necessary to protect the exclusivity of technology and intellectual property developed or in development by or for the district or a nonprofit corporation formed by the district, including applying for, acquiring, registering, securing, holding, protecting, and renewing under applicable provisions of state, federal, or international law:

(A) a patent;

(B) a copyright; or

(C) a trademark, service mark, collective mark, or certification mark.

(b) Provides that information prepared or compiled by or for the district or a nonprofit corporation formed by the district relating to the development of technology or intellectual property to which this section applies is exempt from public disclosure under Chapter 552 (Public Information), Government Code.

SECTION 2. Effective date: upon passage or September 1, 2013.