

BILL ANALYSIS

Senate Research Center
81R14559 JSA-D

H.B. 3456
By: Branch et al. (Zaffirini)
Higher Education
4/27/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Since 1977, the legislature has created and funded a number of programs in support of graduate medical education (GME)—the training of resident physicians. The purpose of these programs is to increase the number of physicians in the state and thus improve access to health care.

During the 79th Legislature, Regular Session, 2005, the legislature created a new method of funding resident physicians called “Formula GME Funding.” Subsequent to the session, the Texas Higher Education Coordinating Board (THECB) instituted a number of rules relating to eligibility standards, reporting requirements, and other issues pertaining to the management of the program.

The purpose of this legislation is to simplify the 1981 law authorizing Baylor College of Medicine to receive GME funding. Under this bill, Baylor College of Medicine will continue to have the statutory authority to receive GME funding, and THECB will continue to have the authority to contract with Baylor College of Medicine.

H.B. 3456 amends current law relating to the education and preparation of resident physicians.

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 61.097, Education Code, as follows:

Sec. 61.097. **CONTRACTS WITH RESPECT TO RESIDENT PHYSICIANS.** (a) Deletes existing text providing that included among certain services to be contracted by the Texas Higher Education Coordinating Board (THECB) with Baylor College of Medicine is required to be the payment and furnishing by the medical school to the resident physicians of all compensation that has previously been paid or furnished by the hospital or hospitals in which the resident physicians have been educated and trained. Deletes existing Subsection (b), relating to the definitions of "resident physician," "primary teaching hospital," and "compensation." Deletes existing Subsection (c), prohibiting a person from being considered a resident physician for a period of time longer than is ordinarily and customarily required for a resident physician to complete a medical specialty program approved by the Accrediting Council on Graduate Medical Education for the specialty in which the resident physician seeks certification as a diplomate and to obtain the certification from the appropriate board or agency approved by the American Board of Medical Specialties. Deletes existing Subsection (d), prohibiting a person, notwithstanding the provisions of Subsection (c) of this section, from being considered a resident physician under this section for a period of time longer than four years. Deletes existing Subsection (e), prohibiting the total number of the first-year resident physicians compensated under this section and Chapter 58 (Compensation of Resident Physicians) of this code from exceeding the combined total number of persons in the previous year's graduating classes of the schools listed in Section 58.001 (Legislative Finding and Intent) of this code and the Baylor College of Medicine. Deletes existing text requiring the Baylor College of Medicine to give priority consideration to applicants who demonstrate a willingness to practice in medically

underserved areas of Texas. Deletes existing Subsection (f), providing that it is the intent of this section to require that eventually at least 50 percent of the first-year resident physicians appointed by medical schools be in the primary care areas of family medicine, internal medicine, pediatrics, geriatrics, and obstetrics/gynecology, with 25 percent of those residents in family practice. Redesignates Subsection (g) as Subsection (b), to require THECB, in the exercise of the authority under Subsection (a), to disburse to Baylor College of Medicine the money appropriated by the legislature to THECB for that purpose. Requires that the money disbursed to Baylor College of Medicine under this section be spent by the school exclusively for the education, training, development, and preparation of resident physicians for a career in medicine. Deletes existing text requiring THECB, in the exercise of the authority under Subsection (a) of this section, to disburse to the Baylor College of Medicine, out of funds appropriated by the legislature to THECB for that purpose, an amount not to exceed \$15,000 per fiscal year of disbursement for each resident physician appointed by the school for that year. Deletes existing text requiring THECB to establish, by contract with the Baylor College of Medicine, the method by which the disbursement is required to be accomplished. Deletes existing text providing that the funds authorized by this section are separate from and in addition to the funds authorized in Sections 61.092 (Contracts with Baylor College of Medicine) and 61.093 (Disbursements) of this code. Makes nonsubstantive changes.

SECTION 2. Repealers: Sections 61.098 (Contract Provisions) and 61.099 (Appointment of Resident Physicians Under Certain Conditions), Education Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2009.