

CHAPTER 153

S.B. No. 655

An Act relating to membership or privileges on a hospital medical staff and to the authority of hospitals and medical personnel; amending the Texas Hospital Licensing Law, as amended (Article 4437f, Vernon's Texas Civil Statutes), by amending Subsection (e) of Section 2 and Section 17 and by adding new Sections 18 and 18A.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Subsection (e), Section 2, Texas Hospital Licensing Law, as amended (Article 4437f, Vernon's Texas Civil Statutes), is amended to read as follows:

“(e) The term ‘medical staff’ means that physician or group of physicians [§] licensed to practice medicine by the Texas State Board of Medical Examiners and that podiatrist or group of podiatrists licensed to practice podiatry by the Texas State Board of Podiatry Examiners [§] who by action of the governing body of a hospital [§] are privileged to work within and use the facilities of a hospital for or in connection with the observation, care, diagnosis or treatment of individuals who are, or may be, suffering from any disease or disorder, mental or physical, or any physical deformity or injury.”

**SECTION 2.** Section 17, Texas Hospital Licensing Law, as amended (Article 4437f, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 17. (a) *Except as otherwise provided by this section, no [No] provision or provisions of this Act shall in any way change, or modify, the authority or power of the Board of Managers, Board of Trustees, Board of Directors, or Governing Body of any hospital, as that term is defined herein, to make such rules, standards, or qualifications for medical staff [Medical Staff] membership, as they in their sole discretion may deem necessary or advisable, or to grant or refuse membership on such medical staff. [Medical Staff.]*

“(b) *An applicant for medical staff membership may not be denied membership solely on the ground that the applicant holds a license to practice podiatry issued by the Texas State Board of Podiatry Examiners rather than a license to practice medicine issued by the Texas State Board of Medical Examiners.*

“(c) *The process for considering applications for medical staff membership and privileges shall afford each applicant procedural due process.*

“(d) *An applicant for medical staff membership or privileges may not be denied membership or privileges on any ground that is otherwise prohibited by law.*

“(e) *The provisions of this Act do not automatically entitle a physician licensed by the Texas State Board of Medical Examiners or a podiatrist licensed by the Texas State Board of Podiatry Examiners to membership or privileges on a medical staff.*”

**SECTION 3.** The Texas Hospital Licensing Law, as amended (Article 4437f, Vernon's Texas Civil Statutes), is amended by adding Sections 18 and 18A to read as follows:

“Section 18. *The provisions of this Act do not:*

“(1) *authorize a physician licensed by the Texas State Board of Medical Examiners or a podiatrist licensed by the Texas State Board of Podiatry Examiners to perform medical or podiatric acts that are beyond the scope of the respective license held;*

“(2) *prevent the governing board of a hospital from providing that podiatric patients be coadmitted to the hospital by a podiatrist licensed by the Texas State Board of Podiatry Examiners and a physician licensed by the Texas State Board of Medical Examiners;*

“(3) *prevent the governing board of a hospital from providing that a physician licensed by the Texas State Board of Medical Examiners be responsible for the care of any medical problem or condition of a podiatric patient that may exist at the time of admission or that may arise during hospitalization that is beyond the scope of the podiatrist's license;*

“(4) *prevent the governing board of a hospital from providing that a physician licensed by the Texas State Board of Medical Examiners determine the risk and effect of any proposed podiatric surgical procedure on the total health status of the patient; or*

“(5) *prevent the governing board of a hospital from adopting reasonable rules, regulations, and requirements relating to qualifications for medical staff appointments or any categories thereof, termination of appointments, the delineation of clinical privileges, or the curtailment of clinical privileges of those who are appointed to the medical staff so long as those rules, regulations, and requirements are determined on a reasonable basis, such as professional and ethical qualifications of the applicant for medical staff membership, and are in compliance with the provisions of this Act.*”

“Section 18A. *The governing board of a hospital may not force any member of the medical staff to coadmit involuntarily patients with a podiatrist licensed by the State Board of Podiatry Examiners, involuntarily to be responsible for the care of any medical problem or condition of a podiatric patient, or involuntarily to determine the risk and effect of any proposed podiatric procedure on the total health status of the patient.*”

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 18, 1985, by the following vote: Yeas 29, Nays 0; Senate concurred in House amendment on May 16, 1985, by the following vote: Yeas 31, Nays 0; passed the House, with amendment, on May 15, 1985, by the following vote: Yeas 125, Nays 2, one present not voting.

Approved: May 24, 1985

Effective: Immediately