

CHAPTER 408

S.B. No. 346

AN ACT

relating to changing the name of the Texas College of Osteopathic Medicine to the University of North Texas Health Science Center at Fort Worth and to the powers of the Board of Regents of the University of North Texas.

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

SECTION 1. Section 105.71, Education Code, is amended to read as follows:

Sec. 105.71. ESTABLISHMENT OF *UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER AT FORT WORTH* [~~COLLEGE OF OSTEOPATHIC MEDICINE~~].

(a) There is hereby created a *health science center* [~~college of osteopathic medicine~~] in the city of Fort Worth to be known as the *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~], *which consists of a college of osteopathic medicine, and which is a separate institution and not a department, school, or branch of the University of North Texas, but under the direction, management, and control of the Board of Regents of the University of North Texas.*

(b) The board shall have the same powers of direction, management, and control over the *health science center* [~~college of osteopathic medicine~~] that it exercises over the University of North Texas, but the board shall act separately and independently on all matters affecting the *health science center* [~~college of osteopathic medicine~~] as a separate institution.

(c) *The board, with the approval of the Texas Higher Education Coordinating Board, may prescribe courses at the health science center leading to customary degrees, diplomas, or certificates, but may not include an M.D. degree.*

SECTION 2. The heading to Subchapter E, Chapter 105, Education Code, is amended to read as follows:

SUBCHAPTER E. *UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER AT FORT WORTH* [~~TEXAS COLLEGE OF OSTEOPATHIC MEDICINE~~]

SECTION 3. Section 105.74, Education Code, is amended to read as follows:

Sec. 105.74. CHIEF EXECUTIVE OFFICERS. The board of regents of the University of North Texas may appoint a chancellor who shall serve as chief executive officer of the University of North Texas and the *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~]. The board of regents shall appoint a president of the University of North Texas and a president of the *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~] who shall serve as chief operating officers of each institution, respectively. The president of the *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~] shall be a licensed physician who possesses a doctor of osteopathy degree from an accredited *college of osteopathic medicine* [~~school~~] and licensed to practice medicine in some state of the United States for a minimum of five years.

SECTION 4. Section 105.76, Education Code, is amended to read as follows:

Sec. 105.76. JOINT APPOINTMENTS. The board of regents is specifically authorized to make joint appointments in the university and the *health science center* [~~Texas College of Osteopathic Medicine~~] under its governance; the salary of any such person who receives such joint appointment to be apportioned to the appointing institution on the basis of services rendered.

SECTION 5. Subsection (b), Section 54.502, Education Code, is amended to read as follows:

(b) The medical, dental, and allied health units of The University of Texas System, the *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~], the Texas Tech University Health Sciences Center, and The Texas A&M University College of Medicine may collect a breakage or loss deposit no greater than \$30.

SECTION 6. Subsection (a), Section 58.001, Education Code, is amended to read as follows:

(a) The legislature finds that it will improve the quality of the delivery of medical care to the citizens of this state and, therefore, that it will be in the public interest of this state for the resident physicians being educated, trained, developed, and prepared for a career in medicine by the schools of medicine in The University of Texas System, the Texas Tech University Health Sciences Center, the Texas A&M University Medical Program, and the *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~] to be compensated by those schools while the resident physicians are undergoing education, training, development, and preparation. The legislature further finds that the delivery of quality medical care to the citizens of this state has been and will continue to be enhanced by the expansion of family practice residency programs as provided by Sections 61.501 through 61.505 of this code and intends that nothing in this chapter be interpreted or implemented in a manner that will deter the development or expansion of family practice residency programs or will deter the legislative goal of having at least 25 percent of the first-year residency positions devoted to family medicine.

SECTION 7. Subdivision (1), Section 59.01, Education Code, is amended to read as follows:

(1) "Medical staff or students" means medical doctors, doctors of osteopathy, dentists, veterinarians, and podiatrists appointed to the faculty or professional medical staff employed for student health services by The University of Texas System, The Texas A&M University System, the Texas Tech University *Health Sciences Center* [~~School of Medicine~~], or the *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~], either full time or who, although appointed less than full time (including volunteers), either devote their total professional service to such appointment or provide services to patients by assignment from the department chairman; and interns, residents, fellows, and medical or dental students, veterinary students, and students of osteopathy participating in a patient-care program in The University of Texas System, The Texas A&M University System, the Texas Tech University *Health Sciences Center* [~~School of Medicine~~], or the *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~].

SECTION 8. Subsections (a) and (c), Section 59.02, Education Code, are amended to read as follows:

(a) Each board may establish a separate self-insurance fund to pay any damages adjudged in a court of competent jurisdiction or a settlement of any medical malpractice claim against a member of the medical staff or students arising from the exercise of his appointment, duties, or training with The University of Texas System, The Texas A&M University System, the Texas Tech University *Health Sciences Center* [~~School of Medicine~~], or the *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~].

(c) On the establishment of each fund, transfers to the fund shall be made in an amount and at such intervals as determined by the board. Each board may receive and accept any gifts or donations specified for the purposes of this subchapter and deposit those gifts or donations into the fund. Each board may invest money deposited in the fund, and any income received shall be retained in the fund. The money shall be deposited in any of the approved depository banks of The University of Texas System, The Texas A&M University System, the Texas Tech University *Health Sciences Center* [~~School of Medicine~~], or the *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~]. All expenditures from the funds shall be paid pursuant to approval by the boards.

SECTION 9. Section 59.06, Education Code, is amended to read as follows:

Sec. 59.06. LIMITATION ON APPROPRIATED FUNDS. Funds appropriated by the legislature to either system, to the Texas Tech University *Health Sciences Center* [~~School of Medicine~~], or to the *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~] from the General Revenue Fund may not be used to establish or maintain the fund, to purchase insurance, or to employ private legal counsel.

SECTION 10. Subdivision (1), Section 61.501, Education Code, is amended to read as follows:

(1) "Medical school" means the medical school at The University of Texas Health Science Center at Houston, the medical school at The University of Texas Health Science Center at Dallas, the medical school at The University of Texas Health Science Center at San Antonio, The University of Texas Medical Branch at Galveston, the Texas Tech University *Health Sciences Center* [~~School of Medicine~~], the Baylor College of Medicine, the *college of osteopathic medicine at the University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~], or the Texas A&M University Medical Program.

SECTION 11. Subsection (a), Section 62.021, Education Code, is amended to read as follows:

(a) Each fiscal year, an eligible institution is entitled to receive an amount allocated in accordance with this section from funds appropriated by Article VII, Section 17(a), of the Constitution of Texas. The comptroller of public accounts shall distribute funds allocated under this subsection only on presentation of a claim and issuance of a warrant in accordance with Section 403.071, Government Code. The comptroller may not issue a warrant from any funds allocated under this subsection before the delivery of goods or services described in Section 17, Article VII, Texas Constitution, except for the payment of principal or interest on

bonds or notes. The allocation of funds under this subsection is made in accordance with an equitable formula consisting of the following elements: space deficit, facilities condition, institutional complexity, separate allocation for medical units, and additional allocation for compliance with the Texas Desegregation Plan. The amounts allocated by such formula are as follows:

\$ 2,971,685	East Texas State University including East Texas State University at Texarkana;
\$ 7,125,680	Lamar University including Lamar University at Orange and Lamar University at Port Arthur;
\$ 1,645,885	Midwestern State University;
\$11,444,067	University of North Texas;
\$ 3,196,287	Pan American University and The University of Texas at Brownsville;
\$ 5,152,124	Stephen F. Austin State University;
\$ 2,166,667	University of North Texas Health Science Center at Fort Worth [ <del>Texas College of Osteopathic Medicine</del> ];
\$19,724,411	Texas State University System Administration and the following component institutions: Angelo State University; Sam Houston State University; Southwest Texas State University; Sul Ross State University including Uvalde Study Center;
\$ 6,596,436	Texas Southern University (includes allocation of \$2,700,000 for compliance with Texas Desegregation Plan);
\$10,538,296	Texas Tech University;
\$ 4,333,333	Texas Tech University Health Sciences Center;
\$ 3,583,869	Texas Woman's University;
\$15,799,996	University of Houston System Administration and the following component institutions: University of Houston; University of Houston—Victoria; University of Houston—Clear Lake; University of Houston—Downtown;
\$ 3,636,316	University System of South Texas System Administration and the following component institutions: Corpus Christi State University; Laredo State University; Texas A&I University; and West Texas State University.
\$ 2,084,948	

SECTION 12. Paragraph (A), Subdivision (5), Section 2, Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes), is amended to read as follows:

- (A) "Appointed officer of a major state agency" means any of the following:
- (i) a member of the Public Utility Commission of Texas;
  - (ii) a member of the Texas Department of Commerce;
  - (iii) a member of the Texas Board of Aviation;
  - (iv) a member of the Texas Air Control Board;
  - (v) a member of the Texas Alcoholic Beverage Commission;
  - (vi) a member of the Finance Commission of Texas;
  - (vii) a member of the State Purchasing and General Services Commission;
  - (viii) a member of the Texas Board of Criminal Justice;
  - (ix) a member of the Board of Trustees of the Employees Retirement System of Texas;
  - (x) a member of the State Highway and Public Transportation Commission;

- (xi) a member of the Texas Workers' Compensation Commission;
- (xii) a member of the State Board of Insurance;
- (xiii) a member of the Parks and Wildlife Commission;
- (xiv) a member of the Public Safety Commission;
- (xv) the Secretary of State;
- (xvi) a member of the State Securities Board;
- (xvii) a member of the Texas Amusement Machine Commission;
- (xviii) a member of the Texas Water Development Board;
- (xix) a member of the Texas Water Commission;
- (xx) a member of the governing board of a state senior college or university as defined by Section 61.003, Education Code, including The University of Texas at Arlington; The University of Texas at Austin; The University of Texas at Dallas; The University of Texas at El Paso; The University of Texas—Pan American; The University of Texas—Pan American—Brownsville; The University of Texas of the Permian Basin; The University of Texas at San Antonio; The University of Texas at Tyler; The University of Texas Southwestern Medical Center at Dallas; The University of Texas Medical Branch at Galveston; The University of Texas Health Science Center at Houston; The University of Texas Health Science Center at San Antonio; The University of Texas System Cancer Center; The University of Texas Health Science Center at Tyler; Texas A&M University; Texas A&M University at Galveston; Prairie View A&M University; Tarleton State University; Corpus Christi State University; Texas A&I University; Laredo State University; East Texas State University; East Texas State University at Texarkana; University of Houston; University of Houston—Clear Lake; University of Houston—Downtown; University of Houston—Victoria; Lamar University at Beaumont; Lamar University at Orange; Lamar University at Port Arthur; Midwestern State University; University of North Texas; *University of North Texas Health Science Center at Fort Worth* [~~Texas College of Osteopathic Medicine~~]; Stephen F. Austin State University; Texas Southern University; Texas Tech University; Texas Tech University Health Sciences Center; Texas Woman's University; West Texas State University; Angelo State University; Sam Houston State University; Southwest Texas State University; Sul Ross State University; Sul Ross State University—Uvalde Center; Texas State Technical Institute—Amarillo; Texas State Technical Institute—Harlingen; Texas State Technical Institute—Sweetwater; and Texas State Technical Institute—Waco;
- (xxi) a member of the Texas Higher Education Coordinating Board;
- (xxii) a member of the Texas Employment Commission;
- (xxiii) a member of the State Banking Board;
- (xxiv) a member of the board of trustees of the *Teacher* [~~Teachers~~] Retirement System of Texas;
- (xxv) a member of the Credit Union Commission;
- (xxvi) a member of the School Land Board;
- (xxvii) a member of the board of the Texas Department of Housing and Community Affairs;
- (xxviii) a member of the Texas Racing Commission;
- (xxix) a member of the State Board of Dental Examiners;
- (xxx) a member of the Texas Board of Licensure for Nursing Home Administrators;
- (xxxi) a member of the Texas State Board of Medical Examiners;
- (xxxii) a member of the Board of Pardons and Paroles;
- (xxxiii) a member of the Texas State Board of Pharmacy;
- (xxxiv) the Banking Commissioner of the Banking Department of Texas;
- (xxxv) a member of the Department of Information Resources Governing Board;

- (xxxvi) the fire fighters' pension commissioner;
- (xxxvii) a member of the Texas Motor Vehicle Commission;
- (xxxviii) the director of the Office of Court Administration of the Texas Judicial System;
- (xxxix) the chief executive of the Office of Public Utility Counsel;
- (xl) a member of the Texas Real Estate Commission;
- (xli) a member of the board of directors and the executive director of the State Bar of Texas;
- (xlii) a member of the Bond Review Board;
- (xliii) a member of the Texas Board of Health;
- (xliv) a member of the Texas Board of Mental Health and Mental Retardation;
- (xlv) a member of the Texas Board on Aging;
- (xlvi) a member of the Texas Board of Human Services;
- (xlvii) a member of the Texas Funeral Service Commission;
- (xlviii) a member of the board of directors of a river authority created under the constitution or laws of this state;
- (xlix) the director of the lottery division in the office of the comptroller; or
- (l) the deputy in charge of the department of security in the lottery division in the office of the comptroller.

SECTION 13. (a) The name of the Texas College of Osteopathic Medicine is changed to the University of North Texas Health Science Center at Fort Worth. A reference in law to the Texas College of Osteopathic Medicine means the University of North Texas Health Science Center at Fort Worth.

(b) An appropriation for the use and benefit of the Texas College of Osteopathic Medicine is available for the use and benefit of the University of North Texas Health Science Center at Fort Worth.

SECTION 14. 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 19, 1993: Yeas 29, Nays 0; passed the House on May 21, 1993, by a non-record vote.

Approved June 6, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.