

CHAPTER 442

H.B. No. 81

AN ACT

relating to the responsibility of hospital authorities to provide health care to certain indigent individuals.

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

SECTION 1. Section 1.02(6), Indigent Health Care and Treatment Act (Article 4438f, Vernon's Texas Civil Statutes), is amended to read as follows:

(6) "Governmental entity" includes a county, city, town, ~~hospital authority,~~ or other political subdivision of the state, but does not include a hospital district *or hospital authority.*

SECTION 2. Sections 10.01 and 12.03, Indigent Health Care and Treatment Act (Article 4438f, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 10.01. APPLICATION OF TITLE. ~~[(a)]~~ This title applies to health care services and assistance provided to a person who resides within the area that a public hospital or hospital district has a legal obligation to serve.

~~[(b) This title does not apply to a hospital authority that is located wholly within a hospital district or wholly within the area that a public hospital not affiliated with any authority has a legal obligation to serve.~~

~~[(c) If a hospital authority is located wholly within a hospital district, that hospital district is responsible for the care of the residents as provided by the Texas Constitution and the statute creating the district.~~

~~[(d) If a hospital authority is located wholly within an area that a public hospital not affiliated with any authority has a legal obligation to serve, that public hospital is responsible for the care of the residents as provided by this Act.]~~

Sec. 12.03. RESPONSIBILITY OF GOVERNMENTAL ENTITY. Each governmental entity that owns, operates, or leases a public hospital shall provide sufficient funding to the hospital to provide the health care assistance required by this Act. ~~[If a public hospital is owned, operated, or leased by a hospital authority, the governmental entity that created or authorized the creation of the authority shall provide sufficient funding to the public hospital or hospital authority to provide the health care assistance required by this Act.]~~

SECTION 3. Section 14.01, Indigent Health Care and Treatment Act (Article 4438f, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14.01. EFFECT OF TRANSFER. (a) Notwithstanding any other provision of law, if a governmental entity that owned, operated, or leased a public hospital sold or leased that hospital to another person or entity on or after January 1, 1985, but before September 1, 1986, that governmental entity assumed and retains the obligation to provide the health care assistance under this Act that the hospital would have had on September 1, 1986, if the hospital had not been sold or leased. If a governmental entity that owns, operates, or leases a public hospital closes that hospital or sells or leases that hospital to another person or entity on or after September 1, 1986, that governmental entity assumes and retains the hospital's obligation to provide the health care assistance under this Act that the hospital has on the date it is closed, sold, or leased.

(b) A governmental entity that closes a public hospital or sells or leases the hospital to another person or entity and thereby assumes and retains the hospital's obligation to provide health care assistance under this Act shall adopt the eligibility standards the public hospital was or would have been required to adopt and shall provide the same services the public hospital was or would have been required to provide under this Act.

(c) This section does not apply to a governmental entity that sold or leased a public hospital to a hospital district or a hospital authority on or after January 1, 1985, but before September 1, 1986. If a governmental entity sold or leased a public hospital as provided by this subsection, the hospital ceased being a public hospital for the purposes of this Act on the date it was sold or leased, and neither the governmental entity nor the hospital district or hospital authority has any responsibility under this Act ~~[public hospital owned, operated, or leased by a governmental entity is sold or leased to another person on or after January 1, 1985, the sale or lease of the public hospital does not affect the governmental entity's obligation to continue to serve residents who were eligible for assistance during the hospital's last full operating year that ended before January 1, 1985, or the obligation to provide the health care services the public hospital provided during that period].~~

SECTION 4. This Act takes effect immediately. However, a county affected by the change in responsibility made by this Act is not required to provide health care assistance in accordance with Title 2 of this Act to residents who were previously the responsibility of a hospital authority until September 1, 1987, or the date on which the county agrees to provide the assistance, whichever date is earlier. A hospital authority shall continue to provide health care assistance to eligible residents until September 1, 1987, or the date on which the county agrees to provide assistance, whichever date is earlier.

SECTION 5. 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 by the House on April 28, 1987, by the following vote: Yeas 143, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 81 on May 19, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 81 on May 25, 1987, by the following vote: Yeas 138, Nays 0, 1 present, not voting. Passed by the Senate, with amendments, on May 14, 1987, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 81 on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective June 17, 1987.