

CHAPTER 238

H.B. No. 987

AN ACT

relating to health care services provided by a state chest hospital.

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

SECTION 1. Section 1(e), Chapter 657, Acts of the 66th Legislature, Regular Session, 1979 (Article 3196a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(e) The board may establish cancer screening, diagnostic, ~~and~~ education, ~~services and an~~ obstetrical, ~~and~~ gynecological, *and other inpatient health care services* ~~service~~ at the South Texas Hospital. *The primary purpose of the South Texas Hospital is to provide inpatient services to the residents of the Lower Rio Grande Valley.*

SECTION 2. Section 9, Texas Tuberculosis Code (Article 4477-11, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. CLASSIFICATION OF PATIENTS. Patients admitted to State chest hospitals shall be two (2) classes:

- (1) Indigent public patients and

(2) Non-indigent public patients.

(a) Indigent public patients are those who possess no property of any kind nor have anyone legally responsible for their support, and who are unable to reimburse the State. *Except as provided by Subsection (c) of this section, this [This] class shall be supported at the expense of the State.*

(b) Non-indigent public patients are those who possess some property out of which the State may be reimbursed, or who have someone legally responsible for their support. *Except as provided by Subsection (c) of this section, this [This] class shall be kept and maintained at the expense of the State as in (a) above, but in such case the State shall have the right to be reimbursed for the support of such patients, and the claim of the State shall constitute a valid lien against any property of any such patient, or in case he has a guardian, against any property of his which is in the possession of said guardian, or against the person or persons who may be legally responsible for his support and financially able to contribute as herein provided. Such claim may be collected by suit or other proceedings in the name of the State of Texas by the County or District Attorney of the county from which said patient is sent or the Attorney General against such patient or his guardian or the person or persons legally responsible for his support; and the suit shall be brought in the county from which such patient was sent. Such suit shall be instituted upon the written request of the head of the State chest hospital accompanied by a certificate as to the amount due the State. In all suits or proceedings, the certificate of the head of the hospital shall be sufficient evidence of the amount due the State for the support of such patient. It shall be the duty of said Attorney upon such request being made to institute and conduct such proceedings and for which he shall be entitled to a commission of ten per cent (10%) of the amount collected. All moneys so collected, less such commission, shall be paid by said County Attorney to the head of said hospital, who shall receive and receipt for the same.*

(c) *If an indigent or non-indigent public patient is eligible for health care assistance from a county or a public hospital under the Indigent Health Care and Treatment Act (Article 4438f, Vernon's Texas Civil Statutes), the state is entitled to reimbursement from the county or public hospital for the treatment and support of the public patient to the extent prescribed by that Act.*

SECTION 3. This Act takes effect September 1, 1987. Section 2 of this Act applies only to health care assistance provided on or after that date. Health care assistance provided before the effective date is governed by the law in effect when the assistance was provided, and that law is continued in effect for that purpose.

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.

Passed by the House on April 29, 1987, by a non-record vote. Passed by the Senate on May 14, 1987, by a viva-voce vote.

Approved May 28, 1987.

Effective Sept. 1, 1987.