

By: Clardy

H.B. No. 3332

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain public hospitals to construct certain facilities and to provide certain services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 223.002(4), Health and Safety Code, is amended to read as follows:

(4) "Hospital project" means existing or future real, personal, or mixed property, or an interest in that property, ~~[other than a nursing home licensed or required to be licensed under the authority of this state,]~~ the financing, refinancing, acquiring, providing, constructing, enlarging, remodeling, renovating, improving, furnishing, or equipping of which is found by the governing body of an issuer to be necessary for medical care, research, training, or teaching in this state. A hospital project may include one or more of the following properties if found by the governing body of an issuer to be necessary or convenient for the project:

(A) land, a building, equipment, machinery, furniture, a facility, or an improvement;

(B) a structure suitable for use as:

(i) a hospital, clinic, health facility, extended care facility, outpatient facility, rehabilitation or recreation facility, pharmacy, medical laboratory, dental laboratory, physicians' office building, or laundry or

1 administrative facility or building related to a health facility or
2 system;

3 (ii) a multiunit housing facility for
4 medical staff, nurses, interns, other employees of a health
5 facility or system, patients of a health facility, or relatives of
6 patients admitted for treatment or care in a health facility;

7 (iii) a support facility related to a
8 hospital project such as an office building, parking lot or
9 building, or maintenance, safety, or utility facility, and related
10 equipment; ~~or~~

11 (iv) a medical or dental research facility,
12 medical or dental training facility, or another facility used in
13 the education or training of health care personnel; or

14 (v) a nursing facility, assisted living
15 facility, or multiunit senior housing facility;

16 (C) property or material used in the landscaping,
17 equipping, or furnishing of a hospital project and other similar
18 items necessary or convenient for the operation of a hospital
19 project; and

20 (D) any other structure, facility, or equipment
21 related or essential to the operation of a health facility or
22 system.

23 SECTION 2. Section 223.011(b), Health and Safety Code, is
24 amended to read as follows:

25 (b) A hospital project may ~~must~~ be located anywhere in
26 this state if the location of the project is consistent with the
27 purpose of the hospital project and the project serves a legitimate

1 public purpose of the issuer [~~and within or partially within the~~
2 ~~issuer's boundaries, except that a hospital project of a~~
3 ~~municipality may be located:~~

4 [~~(1) outside the municipality's limits if it is within~~
5 ~~the municipality's extraterritorial jurisdiction, or~~

6 [~~(2) in another municipality if the governing body of~~
7 ~~the other municipality consents to the former municipality's~~
8 ~~provision of the project].~~

9 SECTION 3. Section 285.101, Health and Safety Code, is
10 amended by amending Subsections (a) and (b) and adding Subsection
11 (b-1) to read as follows:

12 (a) This subchapter applies only to a hospital, hospital
13 district, or authority created and operated under Article IX, Texas
14 Constitution, under a special law, or under this title [~~that is~~
15 ~~located in:~~

16 [~~(1) a county with a population of 35,000 or less,~~

17 [~~(2) those portions of extended municipalities that~~
18 ~~the federal census bureau has determined to be rural, or~~

19 [~~(3) an area that is not delineated as an urbanized~~
20 ~~area by the federal census bureau].~~

21 (b) A hospital, hospital district, or authority covered by
22 this subchapter may:

23 (1) construct, acquire, own, operate, enlarge,
24 improve, furnish, or equip one or more of the following types of
25 facilities or services for the care of persons who are [~~the~~] elderly
26 or persons with a disability [~~disabled~~]:

27 (A) a nursing facility [~~home~~] or similar

1 long-term care facility;

2 (B) elderly housing;

3 (C) assisted living;

4 (D) home health;

5 (E) personal care;

6 (F) special care;

7 (G) continuing care; or

8 (H) durable medical equipment;

9 (2) lease or enter into an operations or management
10 agreement relating to all or part of a facility or service described
11 in Subdivision (1) that is owned by the hospital, hospital
12 district, or authority;

13 (3) close, transfer, sell, or otherwise convey all or
14 part of a facility and discontinue services; and

15 (4) issue [~~revenue~~] bonds and other notes or
16 obligations to acquire, construct, or improve a facility for the
17 care of persons who are [~~the~~] elderly or persons with a disability
18 [~~disabled~~] or to implement the delivery of a service for the care of
19 persons who are [~~the~~] elderly or persons with a disability
20 [~~disabled~~].

21 (b-1) A facility or service under Subsection (b) may be
22 located or offered, as applicable, in any location that the
23 governing body of the hospital, hospital district, or authority
24 considers to be in the best interest of the hospital, hospital
25 district, or authority.

26 SECTION 4. The following sections of the Health and Safety
27 Code are repealed:

1 (1) Section 262.034; and

2 (2) Section 285.101(d).

3 SECTION 5. This Act takes effect September 1, 2015.