

BILL ANALYSIS

Senate Research Center
76R7923 SMH-F

H.B. 2453
By: Edwards (Lindsay)
Health Services
5/10/1999
Engrossed

DIGEST

Currently, under Texas law, physicians and optometrists are not authorized to co-own a health care services network if it is organized as a professional limited liability partnership or a professional limited liability company. This bill would authorize a physician and an optometrist or therapeutic optometrist to organize, jointly own, and manage a partnership, limited partnership, limited liability company, or any other legal entity to obtain property and employ persons for the delivery of health care services or management.

PURPOSE

As proposed, H.B. 2453 authorizes a physician and an optometrist or therapeutic optometrist to organize, jointly own, and manage a partnership, limited partnership, limited liability company, or any other legal entity to obtain property and employ persons for the delivery of health care services or management.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 4495b, V.T.C.S., by adding Section 5.12, as follows:

Sec. 5.12. **AUTHORITY TO FORM CERTAIN JOINTLY OWNED ENTITIES.** (a) Authorizes a physician and an optometrist or therapeutic optometrist, with exception, to organize, jointly own, and manage a partnership under Article 6132b-1.01 et seq., V.T.C.S., a limited partnership under Article 6132a-1, V.T.C.S., a limited liability company under Article 1528n, V.T.C.S., or any other legal entity to own, lease, rent, or otherwise acquire the use of real property, other physical facilities, or equipment for the delivery of health care services or management, or employ or otherwise use a person who is not a physician, optometrist, or therapeutic optometrist for the delivery of health care services or management.

(b) Authorizes only a physician and an optometrist or therapeutic optometrist to own an interest in an entity authorized under Subsection (a) of this section. Provides that this subsection does not prohibit an entity from making one or more payments to an owner's estate following the owner's death under an agreement with the owner or as otherwise authorized or required by law.

SECTION 2. Amends Article 4552-5.01 et seq., V.T.C.S., by adding Section 5.22, to make conforming changes.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.