



THA TAKEAWAYS

Direct Employment by Hospitals of Psychiatrists Would Improve Access to Needed Behavioral Health Care

Texas Hospitals Support House Bill 3885

Texas hospitals support House Bill 3885, by Rep. Garnet Coleman (D-Houston), to allow private hospitals limited authority to directly employ psychiatrists.

Under current state law, Texas hospitals, with a few notable exceptions, including rural and certain public hospitals, are not allowed to directly employ physicians. Most hospital-based physicians in Texas are not employees of the hospital.

Allowing hospitals directly to employ psychiatrists would encourage psychiatrists to relocate to and practice in underserved communities by providing them with an annual salary and, therefore, economic security and stability.

HB 3885, as filed, would authorize private psychiatric, specialty and general acute care hospitals to directly employ up to **five** psychiatrists if certain conditions are met:

- The hospital must operate in a health professional shortage area or serve a medically underserved population, as established in federal rules;
- The term of a psychiatrist's employment is limited to 10 years; and,
- The hospital must make certifications to the Texas Medical Board regarding prior and ongoing psychiatrist recruitment efforts.

Importantly, HB 3885 does not mandate direct employment of psychiatrists. The psychiatrist retains all negotiating and contracting rights against a hospital, and may enter into an employment contract only if desired. HB 3885 also provides patients and physicians increasingly important protections against inappropriate intrusions into the practice of medicine and forbids hospitals from interfering with, controlling or otherwise directing a physician's professional judgment.

Background:

Texas has a severe shortage of psychiatrists. Of the state's 254 counties, 185 do not have a single practicing psychiatrist, which leaves more than 3 million Texans without access to psychiatric care and treatment for behavioral health conditions.

Hospitals, particularly those in underserved communities, struggle to recruit and retain an adequate number of psychiatrists to provide needed care to their inpatient and outpatient populations.

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