

BILL ANALYSIS

C.S.H.B. 2019
By: Griggs
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Traumatic Brain Injury Advisory Council (TTBIAC) is a joint endeavor by the Health and Human Services Commission and the Texas Department of Health. This council is the only voice in state government devoted solely to the interests of persons with brain injuries and their families.

Texas has a system of health and human services, which may seem abundant and approachable, but this is not true for persons with traumatic brain injury. Texas has no current delivery system, which adequately meets the needs of all persons with traumatic brain injuries and their families. Existing services for persons with traumatic brain injury are not quite appropriate, or are inaccessible and significantly under-represented in Texas' health and human service delivery system. The work of TTBIAC is focused not on building another diagnosis-specific entity in the health and human services system, but rather on integrating access to appropriate services and supports that already exist. Texans with brain injuries and their families need an advocate. CSHB 2019 will establish this council within the Texas Dept. of Health to assist people with brain injuries and their families.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Health in SECTION 2(Section 92.060, Health and Safety Code) of this bill.

ANALYSIS

Amends Chapter 92, Health and Safety Code to create the Texas Traumatic Brain Injury Advisory Council (TTBIAC) which is to be an advisory council within the Texas Department of Health. TTBIAC is to be composed of 22 members: eight public consumer members, six professional members, and eight state agency members. One of the six public members must be a member of a statewide traumatic brain injury support group. The bill establishes guidelines for the election of officers, prohibits state agency representatives from serving as officers, requires at least one officer to be a public consumer, outlines restrictions on members, outlines terms and vacancies, outlines compensation and expenses and requires that TTBIAC meet at least once per calendar quarter.

The duties of the TTBIAC are to inform and make recommendations to state leaders of issues/policies, recommend to TDH methods to explore and promote approaches to providing services, education, training, and information about persons with traumatic brain injury, recommend to TDH methods to support activities aimed at reducing preventable brain injuries, and recommend to TDH methods to conduct outreach to obtain public input. Additionally TTBIAC shall make recommendations relating to activities appropriate to the achievement of legislative and executive functions relating to these persons, and submit to the governor, legislature, and other appropriate state and federal authorities periodic reports on the council's responsibilities and performance.

TTBIAC is encouraged to seek gifts or grants from any public or private entity. The Health and Human Services Commission is to deposit any money received into a special TTBIAC account in the General Revenue account.

The duties of the department are to provide administrative support services to TTBIAC, accept gifts and grants on behalf of the council and enter into a memorandum of understanding with TTBIAC that delineates the responsibilities of the department and the council. The board may adopt rules as necessary to implement the department's duties.

Certain changes made by this act with regard to the replacement of council members and council composition are prospective in nature.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute amends the “Membership” section to increase the number of public consumer members on the Council from 6 to 8, so that the number will match the number of state agency members, and thereby raises the total number of Council members from 20 to 22.

In addition the substitute amends the “Compensation; expenses” section, by adding subsection (c), to allow public consumer members to be reimbursed for certain expenses, provided funds are available in the gift and grant account maintained by the council.

The substitute amends the “Duties of the Council” section by clarifying that the Council is able to “make recommendations” to the Texas Department of Health related to traumatic brain injury.