

BILL ANALYSIS

Senate Research Center
78R10641 JTS-D

C.S.S.B. 342
By: Shapleigh
State Affairs
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Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, certain statistics and figures indicate that the health infrastructure in the border region is weak in comparison to other regions in Texas and the United States.

C.S.S.B. 342 enacts a number of changes to existing laws with the aim of building the health infrastructure in that region of the state. The bill requires Texas Building and Procurement Commission and all state agencies to consider whether a company offers health insurance to the company's employees when awarding contracts.

C.S.S.B. 342 creates a number of new entities. First, the bill establishes the Border Health Foundation within the Texas Department of Health to raise money from private sources to finance health programs on the border. It creates a Border Health Corps from what is currently the Texas Health Service Corps in order to provide loan repayment assistance for doctors and nurses who choose to practice in the border region, while preserving the Physicians Education Loan Repayment Program for other Health Profession Shortage Areas in the state.

Finally, the bill enacts a number of changes aimed towards assessing current health science technology courses and programs in the Texas-Mexico border region, and expanding the mentoring of students interested in health science technology courses to encourage pursuit of related professions in the region.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

ARTICLE 1. SHORT TITLE AND PURPOSE

SECTION 1.01. SHORT TITLE. Provides that this Act may be known as the Texas Health Improvement Act.

SECTION 1.02. PURPOSE. Provides that the purpose of this Act is to promote development of the health infrastructure that serves the citizens of Texas and to improve the health of Hispanic Texans.

ARTICLE 2. PREFERENCE FOR VENDORS THAT PROVIDE HEALTH BENEFITS COVERAGE FOR EMPLOYEES

SECTION 2.01. SCHOOL DISTRICT CONTRACT CONSIDERATIONS. Amends Section 44.031(b), Education Code, to authorize a school district to consider whether the vendor provides health benefits coverage to employees, along with other considerations, in determining to whom to award a contract. Makes a nonsubstantive change.

SECTION 2.02. SCHOOL DISTRICT PREFERENCE. Amends Chapter 44B, Education Code,

by adding Section 44.0421, as follows:

Sec. 44.00421. PREFERENCE FOR VENDORS THAT PROVIDE HEALTH BENEFITS COVERAGE. Requires a district procuring goods or services to give preferences to a vendor that demonstrates the provision of employee health benefits in certain circumstances.

SECTION 2.03. BEST VALUE CONSIDERATION. Amends Section 2155.074(b), Government Code, to add to the list of relevant factors in determining the best value for the state in preference for vendors whether the vendor provides health benefits coverage to employees. Redesignates existing Subsection (9) as Subsection (10).

SECTION 2.04. STATE AGENCY PREFERENCE. Amends Chapter 2155H, Government Code, by adding Section 2155.451, as follows:

Sec. 2155.451. PREFERENCE FOR VENDORS THAT PROVIDE HEALTH BENEFITS COVERAGE. Requires the Texas Building and Procurement Commission and all state agencies procuring goods or services to give preference to goods or services of a vendor that demonstrates that the vendor provides health benefits coverage to the vendor's employees if the goods or services meet certain state specifications and the cost of the good or service does not exceed that of vendors not demonstrating that they provide health benefits coverage.

ARTICLE 3. BORDER HEALTH FOUNDATION

SECTION 3.01. BORDER HEALTH FOUNDATION. Amends Title 2, Subtitle E, Health and Safety Code, by adding Chapter 112, as follows:

CHAPTER 112. BORDER HEALTH FOUNDATION

Sec. 112.001. DEFINITIONS. Defines "board of directors" and "foundation."

Sec. 112.002. CREATION OF FOUNDATION. (a) Requires TDH to establish the Border Health Foundation as a nonprofit corporation that complies with specific requirements.

(b) Requires TDH to ensure that the foundation operates independently of any state agency or political subdivision of this state.

Sec. 112.003. POWERS AND DUTIES. (a) Requires the foundation to raise money from other foundations, governmental entities, and other sources to finance health programs in this state in areas adjacent to the border with the United Mexican States.

(b) Requires the foundation to locate potential partners in the private sector to help the state maintain or increase existing levels of financing of health programs and activities, make the office known to potential partners, and perform any other function necessary to carry out the purposes of the foundation.

(c) Requires TDH to review programs from all agencies under its control to determine which projects should be available to receive money.

(d) Provides that the foundation has the powers necessary and convenient to carry out its duties.

Sec. 112.004. ADMINISTRATION. (a) Provides that the foundation is governed by a board of five directors appointed by the Texas Board of Health from individuals recommended by the commissioner of public health.

- (b) Sets forth the terms of members of the board of directors.
- (c) Requires appointments to the board of directors to be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.
- (d) Requires the board of directors to ensure that the foundation remains listed as an exempt organization for purpose of federal income tax.

Sec. 112.005. RESTRICTIONS ON BOARD APPOINTMENT, MEMBERSHIP, AND EMPLOYMENT. (a) Defines “Texas trade association.”

- (b) Provides the circumstances under which a person may not be a member of the board of directors or a particular foundation employee.
- (c) Prohibits a person that is required to register as a lobbyist on behalf of a profession related to the operation of the foundation from being a member of the board of directors or as general counsel to the board of directors.

Sec. 112.006. REMOVAL OF BOARD MEMBER. (a) Provides grounds for removal from the board of directors.

- (b) Provides that the validity of an action of the board of directors is not affected by the fact that it is taken when a ground for removal of a board member exists.
- (c) Requires the foundation, in its articles or bylaws, to establish the manner in which a board member may be removed.

Sec. 112.007. VACANCY. Provides the manner in which a vacancy on the board of directors shall be filled.

Sec. 112.008. OFFICERS. Requires the board of directors to elect necessary officers. Provides that the presiding officer and assistant presiding officer serve for one year and may be reelected.

Sec. 112.009. MEETINGS. Requires the board of directors to meet at least twice a year.

Sec. 112.010. TAX EXEMPTION. Provides that all income, property, and other assets of the foundation are exempt from taxation by this state and its political subdivisions.

Sec. 112.011. MEMORANDUM OF UNDERSTANDING. Requires the foundation and TDH to enter into a memorandum of understanding relating to reporting, staff functions, and financial contributions.

Sec. 112.012. FUNDING. (a) Authorizes TDH and certain other entities to contract with the foundation to finance certain health programs.

(b) Authorizes the foundation to apply for and accept funds and to solicit funds from private sources. Provides that the foundation may only accept solicited funds that are consistent with the purposes of the foundation.

(c) Requires the board of directors of the foundation to manage and approve disbursements of any kind that are the property of the foundation.

(d) Requires the board of directors of the foundation to manage any capital improvements constructed, owned, or leased by the foundation and any real property

acquired.

Sec. 112.013. RECORDS. (a) Requires the foundation to maintain financial records and reports independently from those of TDH.

(b) Requires the foundation to comply with all filing requirements of the secretary of state and the Internal Revenue Service.

Sec. 112.014. REPORT TO DEPARTMENT. Requires the foundation to submit a yearly report itemizing income and expenditures and detailing all activities of the foundation during the preceding fiscal year by a certain time.

SECTION 3.02. TRANSITION. Requires TDH to create the Border Health Foundation as required by this Act by June 1, 2004.

ARTICLE 4. EDUCATION AND RECRUITMENT OF HEALTH CARE PROFESSIONALS

SECTION 4.01. MEDICAL EDUCATION PREPARATION. Amends Chapter 61, Subchapter C, Education Code, by adding Sections 61.0902, 61.0903, 61.0904, as follows:

Sec. 61.0902. EXTENDED UNDERGRADUATE MEDICAL EDUCATION PREPARATION PROGRAM. Requires THECB to examine the use of certain undergraduate programs to determine the feasibility and effectiveness of the programs in the education and training of physicians or other health care professionals in this state and report the findings to the legislature not later than December 1, 2004.

Sec. 61.0903. RECRUITING AND RETAINING UNDERREPRESENTED STUDENTS.

(a) Requires THECB, in coordination with institutions of higher education, to develop a strategy coordinated to recruit and retain students from underrepresented ethnic or racial backgrounds.

(b) Requires THECB and institutions of higher education to follow certain guidelines in their coordinating efforts.

Sec. 61.0904. MENTORING PILOT PROGRAM. (a) Defines "Texas-Mexico border region."

(b) Requires THECB to collaborate with the Texas Education Agency (TEA) to establish a mentoring pilot program in which health care professionals or students in undergraduate or graduate health science technology and related programs mentor secondary school students in the Texas-Mexico border region enrolled in health science technology and related courses. Specifies that the program foster student awareness of health professions and encourage them to pursue education and career therein, that leads to entering a practice in the Texas-Mexico border region.

(c) Requires THECB to provide mentoring programs at three high schools the first year and at three additional schools the second year. Requires THECB, if THECB deems the program successful, to expand it throughout the Texas-Mexico border region as possible.

(d) Authorizes expanding existing mentoring programs to provide mentoring opportunities under the pilot program.

(e) Requires participating entities to track mentored students, as possible, to assess the success of the mentoring.

(f) Requires TEA to encourage school district participation.

SECTION 4.02. PUBLIC SCHOOL PROGRAMS. Amends Chapter 29, Subchapter F, Education Code, by adding Section 29.187, as follows:

Sec. 29.187. SUMMER STUDY SCIENCE PROGRAMS FOR UNDERREPRESENTED STUDENTS. Requires TEA to establish a statewide network of summer study science instruction programs for underrepresented students from ethnic or racial groups in the fields of science and medicine.

SECTION 4.03. ASSESSMENT OF HEALTH SCIENCE TECHNOLOGY AND COLLEGE PREPARATION PROGRAMS IN THE BORDER REGION. (a) Defines “Texas-Mexico border region.”

(b) Requires each school district in the Texas-Mexico border region to assess the adequacy of existing, and the need for additional, health science technology and college preparatory courses and programs in its secondary schools and to submit the results to TEA. Requires TEA to compile the assessments and submit the compilation to certain elected officials not later than September 1, 2004.

(c) Provides that this section expires January 1, 2005.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. EFFECTIVE DATE. Effective date: September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

Relating clause differs from the original by omitting the words “providing a penalty.”

Differs from the original by deleting original Articles 2 (Immunizations), 3 (Promotoras), and 7 (Office of State-Federal Relations) and redesignating original Article 4 as Article 2, Article 5 as Article 3, and Article 6 as Article 5. Sections within affected articles are redesignated accordingly.

Differs from the original in Article 2 by adding Sections 2.01 and 2.02.

Differs from the original in Article 4 in Section 61.092 by requiring THECB to report findings rather than implement programs, and by adding Sections 61.0904 and SECTION 4.03.