

By: Delisi

H.B. No. 3181

Substitute the following for H.B. No. 3181:

By: Miller

C.S.H.B. No. 3181

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Commission for State Health Expenditures.

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

SECTION 1. Subtitle I, Title 4, Government Code, is amended by adding Chapter 534 to read as follows:

CHAPTER 534. COMMISSION FOR STATE HEALTH EXPENDITURES

Sec. 534.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Commission for State Health Expenditures.

(2) "Commissioner" means the commissioner for state health expenditures.

Sec. 534.002. COMMISSION FOR STATE HEALTH EXPENDITURES.

The Commission for State Health Expenditures is an agency of the state.

Sec. 534.003. SUNSET PROVISION. The commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2013.

Sec. 534.004. COMMISSIONER. (a) The commission is under the direction of a commissioner.

(b) The commissioner is appointed by the governor with the advice and consent of the senate. The appointment of a commissioner shall be made without regard to the race, color, disability, sex,

1 religion, age, or national origin of the appointee.

2 (c) A person is not eligible for appointment to the office
3 of commissioner if the person or the person's spouse:

4 (1) is employed by or participates in the management
5 of a business entity or other organization receiving funds from the
6 commission;

7 (2) owns or controls, directly or indirectly, any
8 interest in a business entity or other organization receiving funds
9 from the commission; or

10 (3) uses or receives a substantial amount of tangible
11 goods, services, or funds from the commission, other than
12 compensation or reimbursement authorized by law for the
13 commissioner.

14 (d) The commissioner may not work for any agency or office
15 of the state other than the commission and may not perform duties
16 for any other state agency or office that could negatively affect
17 the performance of the commissioner's duties as commissioner.

18 (e) It is a ground for removal from office if the
19 commissioner:

20 (1) is disqualified for the position under Subsection
21 (c) or engages in an activity after appointment that, under
22 Subsection (c), would have disqualified the person for appointment
23 to the position;

24 (2) violates a prohibition established by Subsection
25 (d) or Section 534.006; or

26 (3) cannot, because of illness or disability,
27 discharge the commissioner's duties.

1 (f) The validity of an action of the commissioner or the
2 commission is not affected by the fact that it is taken when a
3 ground for removal of the commissioner exists.

4 Sec. 534.005. STAFF. (a) The commissioner may employ
5 personnel necessary to administer the responsibilities of the
6 commission.

7 (b) Compensation authorized by law for personnel employed
8 under Subsection (a) may not exceed \$200,000 per employee.

9 (c) The commissioner or the commissioner's designee shall
10 provide to commission employees, as often as necessary, information
11 regarding their qualifications for employment under this chapter
12 and their responsibilities under applicable laws relating to
13 standards of conduct for state employees.

14 (d) The commissioner or the commissioner's designee shall
15 prepare and maintain a written policy statement to ensure
16 implementation of a program of equal employment opportunity under
17 which all personnel transactions are made without regard to race,
18 color, disability, sex, religion, age, or national origin. The
19 policy statement must include:

20 (1) personnel policies that are in compliance with the
21 requirements of Chapter 21, Labor Code; and

22 (2) a comprehensive analysis of the commission
23 workforce that meets federal and state guidelines.

24 (e) A policy statement prepared under Subsection (d) must
25 cover a biennial period and:

26 (1) be updated biennially;

27 (2) be reviewed by the Commission on Human Rights for

1 compliance with Subsection (d)(1); and

2 (3) be filed with the governor's office.

3 (f) The governor's office shall deliver a biennial report to
4 the legislature based on the information received under Subsection
5 (e). The report may be made separately or as a part of other
6 biennial reports made to the legislature.

7 Sec. 534.006. CONFLICTS OF INTEREST. (a) In this section,
8 "Texas trade association" means a cooperative and voluntarily
9 joined statewide association of business or professional
10 competitors in this state designed to assist its members and its
11 industry or profession in dealing with mutual business or
12 professional problems and in promoting their common interest.

13 (b) A person may not serve as the commissioner and may not be
14 a commission employee if:

15 (1) the person is an officer, employee, or paid
16 consultant of a Texas trade association in the field of business,
17 insurance, or health and human services; or

18 (2) the person's spouse is an officer, manager, or paid
19 consultant of a Texas trade association in the field of business,
20 insurance, or health and human services.

21 (c) A person may not serve as the commissioner and may not be
22 a commission employee if the person is required to register as a
23 lobbyist under Chapter 305.

24 Sec. 534.007. GENERAL DUTY OF COMMISSION. The commission
25 shall conduct an in-depth analysis of health expenditures funded by
26 this state to:

27 (1) determine the long-term needs of the state's

1 health care systems and recommend policy priorities for the state
2 and elected state officials;

3 (2) identify critical problems in the state's health
4 care systems and recommend strategies to solve those problems;

5 (3) assess the cost-effectiveness of the use of
6 federal, state, and local money in the state's health care
7 expenditures;

8 (4) advise and assist the legislature in developing
9 plans, programs, and proposed legislation to:

10 (A) improve the effectiveness of the state's
11 health care systems; and

12 (B) identify in the state's health care systems:
13 (i) potential cost saving measures;
14 (ii) innovative practices and best
15 practices;

16 (iii) efficiency in delivery of care; and

17 (iv) evidence-based models of care;

18 (5) calculate daily costs and compare interagency
19 costs on services provided by agencies that are a part of the
20 state's health care systems;

21 (6) calculate relevant populations for use in planning
22 for the long-term needs of the state's health care systems;

23 (7) determine the long-term information needs of the
24 state's health care systems and acquire information to meet those
25 needs; and

26 (8) engage in other activities consistent with the
27 responsibilities of the commission.

1 Sec. 534.008. CONSULTATION WITH GOVERNOR AND LEGISLATIVE
2 OFFICIALS. In setting the priorities for research projects of the
3 commission, the commissioner shall consult the governor,
4 lieutenant governor, speaker of the house of representatives, and
5 presiding officer of each standing committee of the senate and
6 house of representatives having jurisdiction over state health
7 expenditures.

8 Sec. 534.009. ACCESS TO PROGRAMS AND FACILITIES. The
9 commission shall comply with federal and state laws related to
10 program and facility accessibility.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2003.