

By: Delisi

H.B. No. 3181

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Commission for State Health Care 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 CARE EXPENDITURES

Sec. 534.001. DEFINITIONS. In this chapter "commission" means the Commission for State Health Care Expenditures.

Sec. 534.002. COMMISSION FOR STATE HEALTH CARE EXPENDITURES. The Commission for State Health Care Expenditures is an agency of the state.

Sec. 534.003. SUNSET PROVISION. The Commission for State Health Care Expenditures 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, religion, age, or national origin of the appointee.

(c) A person is not eligible for appointment as the

1 commissioner if the person or the person's spouse:

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

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

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

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

17 (e) It is grounds for removal from the position of
18 commissioner if the appointee:

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

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

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

27 Sec. 534.005. STAFF. (a) The commissioner may employ

1 personnel necessary to administer the responsibilities of the
2 commission.

3 (b) Compensation authorized by law for personnel employed
4 under Subsection (a) shall not exceed \$200,000.

5 (c) The commissioner, or the commissioner's designee, shall
6 provide to commission employee's, as often as necessary,
7 information regarding their qualification for employment under
8 this chapter and their responsibilities under applicable laws
9 relating to standards of conduct for state employees.

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

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

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

20 (e) A policy statement prepared under Subsection (d) must
21 cover a biennial period, be update biennially and reviewed by the
22 Commission on Human Rights for compliance with Subsection (d)(1),
23 and be filed with the governor's office.

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

1 Sec. 534.006. CONFLICT OF INTEREST. (a) An officer,
2 employee, or paid consultant of a Texas trade association in the
3 field of health and human services may not be the commissioner of
4 the commission or an employee of the commission.

5 (b) A person who is the spouse of an officer, manager, or
6 paid consultant of a Texas trade association in the field of health
7 and human services may not be the commissioner of the commission or
8 an employee of the commission.

9 (c) A person required to register as a lobbyist under
10 Chapter 305 may not be the commissioner of the commission or an
11 employee of the commission.

12 (d) For the purposes of this section, a Texas trade
13 association is a nonprofit, cooperative, and voluntarily joined
14 association of business or professional competitors in this state
15 designed to assist its members and its industry or profession in
16 dealing with mutual business or professional problems and promoting
17 their common interest.

18 Sec. 534.007. APPOINTMENT OF OTHER ADVISORY BODIES. The
19 governor may establish other advisory bodies the governor considers
20 necessary to advise the commission or to accomplish the purpose of
21 this chapter.

22 Sec. 534.008. GENERAL DUTY OF COMMISSION. (a) The
23 commission shall provide objective research and analysis of state
24 health care expenditures.

25 (b) the objective research and analysis provided under
26 Subsection (a) shall include:

27 (1) identification of potential cost-saving measures

1 relating to state health care expenditures; and

2 (2) the administrative or legislative steps necessary
3 for implementation of such cost-saving measures.

4 Sec. 534.009. CONSULTATION WITH GOVERNOR AND LEGISLATIVE
5 OFFICIALS. In setting the priorities for research projects of the
6 commission, the commissioner shall consult the governor,
7 lieutenant governor, speaker of the house of representatives, and
8 presiding officer of each standing committee of the senate and
9 house of representatives having jurisdiction over state health care
10 expenditures.

11 Sec. 534.010. CONTRACTUAL AUTHORITY. The commission may
12 contract with public or private entities in performance of its
13 responsibilities.

14 Sec. 534.011. FUNDS; GRANTS AND DONATIONS. (a) All money
15 paid to the commission under this chapter is subject to Subchapter
16 F, Chapter 404.

17 (b) The commissioner shall prepare annually a complete and
18 detailed written report accounting for all funds received and
19 disbursed by the policy council during the preceding fiscal year.
20 The annual report must meet the reporting requirements applicable
21 to financial reporting as provided in the General Appropriations
22 Act.

23 (c) The commission may accept grants and donations from
24 public and private entities in addition to legislative
25 appropriations.

26 Sec. 534.012. HEALTH AND HUMAN SERVICES PLAN; BIENNIAL
27 REPORT. The commission biennially shall submit to the legislature

1 a plan detailing the actions necessary to promote:

2 (1) a cost effective, consumer directed health and
3 human services system;

4 (2) cost effective, consumer directed health benefits
5 for public employees; and

6 (3) opportunities for cost savings in all areas of
7 state health care expenditures.

8 Sec. 534.013. ACCESS TO PROGRAMS AND FACILITIES. The
9 commission shall comply with federal and state laws related to
10 program and facility accessibility. The commissioner of the
11 commission shall also prepare and maintain a written plan that
12 describes how a person who does not speak English can be provided
13 reasonable access to the commission's programs and services.

14 Sec. 534.014. CONSUMER INFORMATION AND COMPLAINTS. (a)
15 The commission shall prepare information of public interest
16 describing the functions of the commission and the procedures by
17 which complaints are filed with and resolved by the commission. The
18 commission shall make the information available to the public and
19 appropriate state agencies.

20 (b) The commissioner of the commission shall establish
21 methods by which consumers and service recipients are notified of
22 the name, mailing address, and telephone number of the commission
23 for the purpose of directing complaints to the commission. The
24 commissioner of the commission may provide for that notification on
25 each written contract made under this chapter for the services of an
26 individual or other entity.

27 (c) The commission shall keep a file about each written

1 complaint filed with the commission that the commission has
2 authority to resolve. The commission shall provide to the person
3 filing the complaint and the persons or entities complained about
4 the commission's policies and procedures pertaining to complaint
5 investigation and resolution. The commission, at least quarterly
6 and until final disposition of the complaint, shall notify the
7 person filing the complaint and the persons or entities complained
8 about of the status of the complaint unless the notice would
9 jeopardize an undercover investigation.

10 (d) The commission shall keep information about each
11 complaint filed with the commission. The information shall
12 include:

- 13 (1) the date the complaint is received;
14 (2) the name of the complainant;
15 (3) the subject matter of the complaint;
16 (4) a record of all persons contacted in relation to
17 the complaint;
18 (5) a summary of the results of the review or
19 investigation of the complaint; and
20 (6) for complaints for which the agency took no
21 action, an explanation of the reason the complaint was closed
22 without action.

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