

By: Smith of Tarrant

H.B. No. 3231

A BILL TO BE ENTITLED

AN ACT

relating to the operation of the Health Professions Council.

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

SECTION 1. Subchapter A, Chapter 101, Occupations Code, is amended by adding Sections 101.008, 101.0081, 101.009, 101.010, 101.011, and 101.012 to read as follows:

Sec. 101.008. SUNSET PROVISION. The Health Professions Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2015.

Sec. 101.0081. SPECIAL PURPOSE SUNSET REVIEW. (a) During the period preceding the regular session of the 79th Legislature, the Sunset Advisory Commission shall perform a special purpose review of the council. In the review, the sunset commission may only review the appropriateness of the recommendations made by the commission to the regular session of the 78th Legislature regarding the council. In the sunset commission's report to the 79th Legislature, the commission may include any of those prior recommendations the commission considers appropriate.

(b) The council and the agencies composing the council shall cooperate with the Sunset Advisory Commission in the review and shall provide to the commission any information the commission considers necessary for the review.

1 (c) This section expires September 1, 2005.

2 Sec. 101.009. RULES. (a) The council may adopt rules to
3 govern the operation and administration of an agency listed in
4 Section 101.002.

5 (b) The council may adopt rules related to the management of
6 an agency listed in Section 101.002, including rules governing
7 information technology, human resources, and financial services.

8 (c) The council may not adopt a rule related to the practice
9 of a profession regulated by an agency listed in Section 101.002.

10 Sec. 101.010. COUNCIL POLICIES. The council shall adopt
11 policies to govern the agencies that compose the council.

12 Sec. 101.011. COUNCIL POWERS. (a) The council may manage
13 the operations of an agency listed in Section 101.002.

14 (b) The council shall exercise the administrative
15 responsibilities of information technology, human resources, and
16 financial operations of an agency listed in Section 101.002.

17 Sec. 101.012. DIVISION OF RESPONSIBILITIES. (a) The
18 council shall develop and implement policies that clearly separate
19 the policy-making responsibilities and the management
20 responsibilities of the council and the agencies that compose the
21 council.

22 (b) Notwithstanding any other law, an agency listed in
23 Section 101.002 may not adopt a rule related to the organization,
24 operating procedures, or management of the agency that is
25 determined by council rule to be within the council's
26 responsibility.

27 SECTION 2. This Act takes effect September 1, 2003.