

BILL ANALYSIS

Senate Research Center
79R2336 MSE-D

S.B. 130
By: Nelson
Health and Human Services
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 2292 enacted by the 78th Legislature, Regular Session, made significant changes to the organization and provision of health and human services in Texas. As with any lengthy and multi-issued piece of legislation, implementation often reveals mistakes in drafting or unintended consequences of certain language. Among the issues which have arisen following implementation of H.B. 2292 are that prior authorization cannot be required on drugs before the Pharmaceuticals and Therapeutics Committee has reviewed and considered them for addition to the Preferred Drug List; it is unclear whether resolved cases from the Office of the Inspector General are subject to open records requests; all non-federally required advisory committees were abolished; and respiratory therapists need half the continuing education credits they were previously required to obtain.

As proposed, S.B. 130 clarifies and corrects portions of H.B. 2292 of the 78th, Legislature, Regular Session.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 531.073(b), Government Code, by deleting existing text requiring prior authorization procedures to ensure that a prior authorization requirement is not imposed for a drug before a certain time. Redesignates existing Subdivisions 2 and 3. Makes a conforming change.

SECTION 2. Amends Section 531.1021, Government Code, by amending Subsection (g) and adding Subsection (h), as follows:

(g) Makes a conforming change.

(h) Provides that Subsection (g) does not apply to information and materials related to a resolved case. Provides that this subsection does not waive or affect the confidentiality of information and materials that are otherwise confidential and excepted from disclosure under Chapter 552 (Public Information), Government Code.

SECTION 3. Amends Subchapter A, Chapter 61, Health and Safety Code, by adding Section 61.012, as follows:

Sec. 61.012. INDIGENT HEALTH CARE ADVISORY COMMITTEE. (a) Requires the executive commissioner of the Health and Human Services Commission to establish an advisory committee to advise the commission on rules and policies concerning indigent health care services.

(b) Requires the committee to consist of 11 members, including four consumer and seven other representatives, appointed by the executive commissioner.

(c) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the size or composition of the advisory committee.

SECTION 4. Amends Section 604.154(a), Occupations Code, to require the Texas Board of Health to establish for the renewal of a certificate uniform continuing education requirements of not less than six or more than 12 continuing education hours annually, rather than for each renewal period.

[While the statutory reference in this bill is to the Texas Board of Health, the previous amendment affects the Health and Human Services Commission, as the successor agency to the Texas Board of Health.]

SECTION 5. (a) Makes application of this Act prospective.

(b) Authorizes delay of implementation until necessary federal waivers or authorizations are obtained.

SECTION 6. Effective date: upon passage or September 1, 2005.