

By: Luna

H.B. No. 2344

A BILL TO BE ENTITLED

AN ACT

relating to the Council on Cardiovascular Disease and Stroke.

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

SECTION 1. Section 93.002, Health and Safety Code, is amended to read as follows:

Sec. 93.002. APPOINTMENT OF COUNCIL; TERMS OF MEMBERS. (a) The Council on Cardiovascular Disease and Stroke is composed of:

(1) 11 public members appointed by the governor, with the advice and consent of the senate, as follows:

(A) a licensed physician with a specialization in cardiology;

(B) a licensed physician with a specialization in neurology to treat stroke;

(C) a licensed physician employed in a primary care setting;

(D) a registered nurse with a specialization in quality improvement practices for cardiovascular disease and stroke;

(E) a registered and licensed dietitian;

(F) two persons with experience and training in public health policy, research, or practice;

(G) two consumer members, with special consideration given to persons actively participating in the Texas affiliates of the American Heart Association or American Stroke

1 Association, managed care, hospital or rehabilitation settings;
2 and

3 (H) two members from the general public that have
4 or care for persons with cardiovascular disease or stroke; and

5 (2) one nonvoting member representing each of the
6 state agencies that oversee:

7 (A) health services;

8 (B) education;

9 (C) assistive and rehabilitative services; and

10 (D) aging and disability services [board].

11 (b) In appointing public members under Subsection (a)(1),
12 the governor shall attempt to appoint female members and members of
13 different minority groups, including African Americans, Hispanic
14 Americans, Native Americans, and Asian Americans.

15 (c) The head of each agency overseeing services listed in
16 Subsection (a)(2) shall appoint the agency's representative
17 nonvoting member.

18 (d) Public members [Members] of the council serve staggered
19 six-year terms, with the terms of three or four [approximately
20 one-third] of the public members expiring February 1 of each
21 odd-numbered year. A nonvoting member representing a state agency
22 serves at the will of the appointing agency.

23 SECTION 2. Section 93.003, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 93.003. [~~COMPENSATION,~~] REIMBURSEMENT. (a) Except as
26 provided by Subsection (b), a [A] member of the council may [not
27 receive compensation for service on the council and, except as

1 ~~provided by Subsection (b), may not]~~ be reimbursed for travel
2 expenses incurred while conducting the business of the council at
3 the same rate provided for state employees in the General
4 Appropriations Act, provided funds are appropriated to the
5 department for this purpose.

6 (b) If funds are not appropriated to support reimbursement
7 of travel expenses, the [The] commissioner may authorize
8 reimbursement of the travel expenses incurred by a member while
9 conducting the business of the council, as provided in the General
10 Appropriations Act, if the commissioner finds on application of the
11 member that travel for council business imposes a financial
12 hardship on the member.

13 SECTION 3. The heading to Section 93.006, Health and Safety
14 Code, is amended to read as follows:

15 Sec. 93.006. REPORT TO [~~BOARD AND~~] LEGISLATURE.

16 SECTION 4. Section 93.006(b), Health and Safety Code, is
17 amended to read as follows:

18 (b) Not later than January 15 of each [~~odd-numbered~~] year,
19 the council shall report to the governor, the lieutenant governor,
20 and the speaker of the house of representatives on the activities of
21 the council accounting for all funds received and disbursed by or
22 for the council during the preceding fiscal year [~~in the preceding~~
23 ~~two calendar years~~].

24 SECTION 5. Subchapter A, Chapter 93, Health and Safety
25 Code, is amended by adding Sections 93.007-93.015 to read as
26 follows:

27 Sec. 93.007. RESTRICTIONS ON COUNCIL APPOINTMENT,

1 MEMBERSHIP, OR EMPLOYMENT. (a) A person is not eligible to serve
2 as a public member if the person or the person's spouse:

3 (1) is employed by or participates in the management
4 of a business entity or other organization receiving funds at the
5 council's direction;

6 (2) owns or controls directly or indirectly more than
7 a 10 percent interest in a business entity or other organization
8 receiving funds at the council's direction; or

9 (3) uses or receives a substantial amount of tangible
10 goods, services, or funds from the department at the council's
11 direction, other than compensation or reimbursement authorized by
12 law for council membership, attendance, or expenses.

13 (b) A person who is required to register as a lobbyist under
14 Chapter 305, Government Code, may not serve as a member of the
15 council or act as the general counsel of the council.

16 (c) An officer, employee, or paid consultant of a trade
17 association in the field of health care may not be a member or
18 employee of the council. A person who is the spouse of an officer,
19 employee, or paid consultant of a trade association in the field of
20 health care may not be a member of the council and may not be an
21 employee, including an employee exempt from the state's position
22 classification plan, who is compensated at or above the amount
23 prescribed by the General Appropriations Act for step 1, salary
24 group A17, of the position classification salary schedule.

25 (d) For purposes of Subsection (c), a trade association is a
26 nonprofit, cooperative, and voluntary association of business or
27 professional competitors designed to assist its members and its

1 industry or profession in dealing with mutual business or
2 professional problems and in promoting their common interests.

3 Sec. 93.008. REMOVAL OF COUNCIL MEMBER. (a) It is a ground
4 for removal from the council if a member:

5 (1) is not eligible for appointment to the council at
6 the time of appointment as provided by Section 93.007(a);

7 (2) is not eligible to serve on the council as provided
8 by Section 93.007(a);

9 (3) violates a prohibition established by Section
10 93.007(b) or (c);

11 (4) cannot discharge the member's duties for a
12 substantial part of the term for which the member is appointed
13 because of illness or disability; or

14 (5) is absent from more than half of the regularly
15 scheduled council meetings that the member is eligible to attend
16 during each calendar year, unless the absence is excused by a
17 majority vote of the council.

18 (b) The validity of an action of the council is not affected
19 by the fact that it is taken when a ground for removal of a member of
20 the council exists.

21 (c) If the presiding officer of the council knows that a
22 potential ground for removal exists, the presiding officer shall
23 notify the governor of its existence.

24 (d) The council shall inform its members as often as
25 necessary of:

26 (1) the qualifications for office prescribed by this
27 chapter; and

1 (2) the responsibilities under applicable laws
2 relating to standards of conduct for state officers or employees.

3 Sec. 93.009. PRESIDING OFFICER. The governor shall
4 designate a member of the council as the presiding officer of the
5 council to serve in that capacity at the will of the governor.

6 Sec. 93.010. STAFF SUPPORT. Each agency represented on the
7 council:

8 (1) shall provide the council with staff support of
9 specialists as needed; and

10 (2) may provide staff support to an advisory
11 committee.

12 Sec. 93.011. DIVISION OF POLICY AND MANAGEMENT
13 RESPONSIBILITIES. The council shall develop and implement policies
14 that clearly separate the policy-making responsibilities of the
15 council and the management responsibilities of the commissioner and
16 staff of the department.

17 Sec. 93.012. MEETINGS. (a) The council shall meet at least
18 quarterly and shall adopt rules for the conduct of its meetings.

19 (b) An action taken by the council must be approved by a
20 majority of the voting members present.

21 Sec. 93.013. GIFTS AND GRANTS. (a) The council may receive
22 gifts and grants from any public or private source to perform its
23 duties under this chapter. The department shall accept the gifts on
24 behalf of the council and shall deposit any funds accepted under
25 this section to the credit of a special account in the general
26 revenue fund as required by Section 93.014 or 93.015.

27 (b) The department may retain five percent of any monetary

1 gifts accepted on behalf of the council to cover its costs in
2 administering this section.

3 Sec. 93.014. HEART DISEASE AND STROKE RESOURCE FUND. (a)
4 The heart disease and stroke resource fund is an account of the
5 general revenue fund.

6 (b) The legislature may appropriate money deposited to the
7 credit of the heart disease and stroke resource fund only to the
8 council for heart disease and stroke prevention, research, and
9 medical care for heart attack and stroke victims.

10 (c) The council shall develop a policy governing the award
11 of funds for clinical research that follows scientific peer review
12 guidelines for primary and secondary prevention of heart disease or
13 stroke or that follows other review procedures that are designed to
14 distribute those funds on the basis of scientific merit.

15 (d) Interest earned from the investment of the heart disease
16 and stroke resource fund shall be deposited to the credit of the
17 fund.

18 Sec. 93.015. HEART DISEASE AND STROKE YOU'RE THE CURE
19 ACCOUNT. (a) The heart disease and stroke you're the cure account
20 is an account maintained by the council outside the state treasury.
21 The account is composed of:

22 (1) money deposited to the credit of the account; and
23 (2) gifts, grants, and donations deposited to the
24 account in accordance with Section 93.013.

25 (b) The council administers the account. The council may
26 spend money credited to the account only to:

27 (1) make grants to nonprofit organizations that

1 provide support services for heart disease and stroke patients and
2 their families; and

3 (2) defray the costs of administering the account.

4 (c) The council:

5 (1) may accept gifts, grants, and donations from any
6 source for the benefit of the account in accordance with Section
7 93.013; and

8 (2) by rule shall establish guidelines for spending
9 money credited to the account.

10 SECTION 6. Section 93.051, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 93.051. CARDIOVASCULAR DISEASE AND STROKE PREVENTION
13 PLAN; DUTIES OF COUNCIL. (a) The council shall develop an
14 effective and resource-efficient plan to reduce the morbidity,
15 mortality, and economic burden of cardiovascular disease and stroke
16 in this state. The council shall:

17 (1) conduct health education, public awareness, and
18 community outreach activities that relate to primary and secondary
19 prevention of cardiovascular disease and stroke;

20 (2) promote, enhance, and coordinate health
21 education, public awareness, and community outreach activities
22 that relate to primary and secondary prevention of cardiovascular
23 disease and stroke and that are provided by private and other public
24 organizations;

25 (3) coordinate activities with other entities that are
26 concerned with medical conditions that are similar to
27 cardiovascular disease and stroke or that have similar risk

1 factors;

2 (4) identify to health care providers, employers,
3 schools, community health centers, and other groups the benefits of
4 encouraging treatment, primary and secondary prevention, and
5 public awareness of cardiovascular disease and stroke and recognize
6 innovative and effective programs that achieve the objectives of
7 improved treatment, prevention, and public awareness;

8 (5) provide guidance regarding the roles and
9 responsibilities of government agencies, health care providers,
10 employers, third-party payers, patients, and families of patients
11 in the treatment, primary and secondary prevention, and public
12 awareness of cardiovascular disease and stroke;

13 (6) improve access to treatment for and primary and
14 secondary prevention of cardiovascular disease and stroke through
15 public awareness programs, including access for uninsured
16 individuals and individuals living in rural or underserved areas;

17 (7) assist communities to develop comprehensive local
18 cardiovascular disease and stroke prevention programs;

19 (8) assist the Texas Education Agency and local school
20 districts to promote a public school curriculum that includes
21 physical, nutritional, and health education relating to
22 cardiovascular disease and stroke prevention;

23 (9) establish appropriate forums, programs, or
24 initiatives designed to educate the public regarding the impact of
25 heart disease and stroke on women's health, with an emphasis on
26 preventive health and healthy lifestyles; and

27 (10) [~~9~~] evaluate and enhance the implementation

1 and effectiveness of the program developed under this chapter.

2 (b) The council shall make written recommendations for
3 performing its duties under this chapter to the department and the
4 legislature.

5 (c) The council shall advise the legislature on legislation
6 that is needed to develop further and maintain a statewide system of
7 quality education services for all persons with cardiovascular
8 disease or stroke. The council may develop and submit legislation
9 to the legislature or comment on pending legislation that affects
10 persons with cardiovascular disease and stroke.

11 SECTION 7. Section 93.006(a), Health and Safety Code, is
12 repealed.

13 SECTION 8. The changes in law made by Section 93.002, as
14 amended by this Act, do not affect the entitlement of a member of
15 the Council on Cardiovascular Disease and Stroke serving on the
16 council immediately before the effective date of this Act to
17 continue to carry out the council's functions for the remainder of
18 the member's term.

19 SECTION 9. This Act takes effect September 1, 2005.