

1-1 By: Luna (Senate Sponsor - West) H.B. No. 2344  
1-2 (In the Senate - Received from the House May 10, 2005;  
1-3 May 12, 2005, read first time and referred to Committee on Health  
1-4 and Human Services; May 19, 2005, reported favorably, as amended,  
1-5 by the following vote: Yeas 8, Nays 0; May 19, 2005, sent to  
1-6 printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: West

1-8 Amend H.B. 2344 as follows:

1-9 On page 4, line 51 insert the following:

1-10 (d) The council shall collaborate with the Governor's EMS  
1-11 and Trauma Advisory Council, the American Stroke Association and  
1-12 other stroke experts to make recommendations to the department for  
1-13 rules on the recognition and rapid transportation of stroke  
1-14 patients to health care facilities capable of treating strokes  
1-15 twenty-four hours a day and recording stroke patient outcomes.

1-16 A BILL TO BE ENTITLED  
1-17 AN ACT

1-18 relating to the Council on Cardiovascular Disease and Stroke.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 93.002, Health and Safety Code, is  
1-21 amended to read as follows:

1-22 Sec. 93.002. APPOINTMENT OF COUNCIL; TERMS OF MEMBERS. (a)  
1-23 The Council on Cardiovascular Disease and Stroke is composed of:

1-24 (1) 11 public members appointed by the governor, with  
1-25 the advice and consent of the senate, as follows:

1-26 (A) a licensed physician with a specialization in  
1-27 cardiology;

1-28 (B) a licensed physician with a specialization in  
1-29 neurology to treat stroke;

1-30 (C) a licensed physician employed in a primary  
1-31 care setting;

1-32 (D) a registered nurse with a specialization in  
1-33 quality improvement practices for cardiovascular disease and  
1-34 stroke;

1-35 (E) a registered and licensed dietitian;

1-36 (F) two persons with experience and training in  
1-37 public health policy, research, or practice;

1-38 (G) two consumer members, with special  
1-39 consideration given to persons actively participating in the Texas  
1-40 affiliates of the American Heart Association or American Stroke  
1-41 Association, managed care, or hospital or rehabilitation settings;  
1-42 and

1-43 (H) two members from the general public that have  
1-44 or care for persons with cardiovascular disease or stroke; and

1-45 (2) one nonvoting member representing each of the  
1-46 state agencies that oversee:

1-47 (A) health services;

1-48 (B) education;

1-49 (C) assistive and rehabilitative services; and

1-50 (D) aging and disability services [~~board~~].

1-51 (b) In appointing public members under Subsection (a)(1),  
1-52 the governor shall attempt to appoint female members and members of  
1-53 different minority groups, including African Americans, Hispanic  
1-54 Americans, Native Americans, and Asian Americans.

1-55 (c) The head of each agency overseeing services listed in  
1-56 Subsection (a)(2) shall appoint the agency's representative  
1-57 nonvoting member.

1-58 (d) Public members [~~Members~~] of the council serve staggered  
1-59 six-year terms, with the terms of three or four [~~approximately~~  
1-60 ~~one-third~~] of the public members expiring February 1 of each  
1-61 odd-numbered year. A nonvoting member representing a state agency  
1-62 serves at the will of the appointing agency.

2-1 SECTION 2. Section 93.003, Health and Safety Code, is  
 2-2 amended to read as follows:

2-3 Sec. 93.003. ~~[COMPENSATION,]~~ REIMBURSEMENT. (a) Except as  
 2-4 provided by Subsection (b), a [A] member of the council may [not  
 2-5 receive compensation for service on the council and, except as  
 2-6 provided by Subsection (b), may not] be reimbursed for travel  
 2-7 expenses incurred while conducting the business of the council at  
 2-8 the same rate provided for state employees in the General  
 2-9 Appropriations Act, provided funds are appropriated to the  
 2-10 department for this purpose.

2-11 (b) If funds are not appropriated to support reimbursement  
 2-12 of travel expenses, the [The] commissioner may authorize  
 2-13 reimbursement of the travel expenses incurred by a member while  
 2-14 conducting the business of the council, as provided in the General  
 2-15 Appropriations Act, if the commissioner finds on application of the  
 2-16 member that travel for council business imposes a financial  
 2-17 hardship on the member.

2-18 SECTION 3. The heading to Section 93.006, Health and Safety  
 2-19 Code, is amended to read as follows:

2-20 Sec. 93.006. REPORT TO ~~[BOARD AND]~~ LEGISLATURE.

2-21 SECTION 4. Section 93.006(b), Health and Safety Code, is  
 2-22 amended to read as follows:

2-23 (b) Not later than January 15 of each [odd-numbered] year,  
 2-24 the council shall report to the governor, the lieutenant governor,  
 2-25 and the speaker of the house of representatives on the activities of  
 2-26 the council, accounting for all funds received and disbursed by or  
 2-27 for the council during the preceding fiscal year [in the preceding  
 2-28 two calendar years].

2-29 SECTION 5. Subchapter A, Chapter 93, Health and Safety  
 2-30 Code, is amended by adding Sections 93.007-93.014 to read as  
 2-31 follows:

2-32 Sec. 93.007. RESTRICTIONS ON COUNCIL APPOINTMENT,  
 2-33 MEMBERSHIP, OR EMPLOYMENT. (a) A person is not eligible to serve  
 2-34 as a public member if the person or the person's spouse:

2-35 (1) is employed by or participates in the management  
 2-36 of a business entity or other organization receiving funds at the  
 2-37 council's direction;

2-38 (2) owns or controls directly or indirectly more than  
 2-39 a 10 percent interest in a business entity or other organization  
 2-40 receiving funds at the council's direction; or

2-41 (3) uses or receives a substantial amount of tangible  
 2-42 goods, services, or funds from the department at the council's  
 2-43 direction, other than compensation or reimbursement authorized by  
 2-44 law for council membership, attendance, or expenses.

2-45 (b) A person who is required to register as a lobbyist under  
 2-46 Chapter 305, Government Code, may not serve as a member of the  
 2-47 council or act as the general counsel of the council.

2-48 (c) An officer, employee, or paid consultant of a trade  
 2-49 association in the field of health care may not be a member or  
 2-50 employee of the council. A person who is the spouse of an officer,  
 2-51 employee, or paid consultant of a trade association in the field of  
 2-52 health care may not be a member of the council and may not be an  
 2-53 employee, including an employee exempt from the state's position  
 2-54 classification plan, who is compensated at or above the amount  
 2-55 prescribed by the General Appropriations Act for step 1, salary  
 2-56 group A17, of the position classification salary schedule.

2-57 (d) For purposes of Subsection (c), a trade association is a  
 2-58 nonprofit, cooperative, and voluntary association of business or  
 2-59 professional competitors designed to assist its members and its  
 2-60 industry or profession in dealing with mutual business or  
 2-61 professional problems and in promoting their common interests.

2-62 Sec. 93.008. REMOVAL OF COUNCIL MEMBER. (a) It is a ground  
 2-63 for removal from the council if a member:

2-64 (1) is not eligible for appointment to the council at  
 2-65 the time of appointment as provided by Section 93.007(a);

2-66 (2) is not eligible to serve on the council as provided  
 2-67 by Section 93.007(a);

2-68 (3) violates a prohibition established by Section  
 2-69 93.007(b) or (c);

3-1 (4) cannot discharge the member's duties for a  
 3-2 substantial part of the term for which the member is appointed  
 3-3 because of illness or disability; or

3-4 (5) is absent from more than half of the regularly  
 3-5 scheduled council meetings that the member is eligible to attend  
 3-6 during each calendar year, unless the absence is excused by a  
 3-7 majority vote of the council.

3-8 (b) The validity of an action of the council is not affected  
 3-9 by the fact that it is taken when a ground for removal of a member of  
 3-10 the council exists.

3-11 (c) If the presiding officer of the council knows that a  
 3-12 potential ground for removal exists, the presiding officer shall  
 3-13 notify the governor of its existence.

3-14 (d) The council shall inform its members as often as  
 3-15 necessary of:

3-16 (1) the qualifications for office prescribed by this  
 3-17 chapter; and

3-18 (2) the responsibilities under applicable laws  
 3-19 relating to standards of conduct for state officers or employees.

3-20 Sec. 93.009. PRESIDING OFFICER. The governor shall  
 3-21 designate a member of the council as the presiding officer of the  
 3-22 council to serve in that capacity at the will of the governor.

3-23 Sec. 93.010. STAFF SUPPORT. Each agency represented on the  
 3-24 council:

3-25 (1) shall provide the council with staff support of  
 3-26 specialists as needed; and

3-27 (2) may provide staff support to an advisory  
 3-28 committee.

3-29 Sec. 93.011. DIVISION OF POLICY AND MANAGEMENT  
 3-30 RESPONSIBILITIES. The council shall develop and implement policies  
 3-31 that clearly separate the policy-making responsibilities of the  
 3-32 council and the management responsibilities of the commissioner and  
 3-33 staff of the department.

3-34 Sec. 93.012. MEETINGS. (a) The council shall meet at least  
 3-35 quarterly and shall adopt rules for the conduct of its meetings.

3-36 (b) An action taken by the council must be approved by a  
 3-37 majority of the voting members present.

3-38 Sec. 93.013. GIFTS AND GRANTS. (a) The council may receive  
 3-39 gifts and grants from any public or private source to perform its  
 3-40 duties under this chapter. The department shall accept the gifts on  
 3-41 behalf of the council and shall deposit any funds accepted under  
 3-42 this section to the credit of a special account in the general  
 3-43 revenue fund as required by Section 93.014.

3-44 (b) The department may retain five percent of any monetary  
 3-45 gifts accepted on behalf of the council to cover its costs in  
 3-46 administering this section.

3-47 Sec. 93.014. HEART DISEASE AND STROKE RESOURCE FUND. (a)  
 3-48 The heart disease and stroke resource fund is an account of the  
 3-49 general revenue fund.

3-50 (b) The legislature may appropriate money deposited to the  
 3-51 credit of the heart disease and stroke resource fund only to the  
 3-52 council for:

3-53 (1) heart disease and stroke prevention, research, and  
 3-54 medical care for heart attack and stroke victims; and

3-55 (2) grants to nonprofit heart disease and stroke  
 3-56 organizations.

3-57 (c) The council shall develop a policy governing the award  
 3-58 of funds for clinical research that follows scientific peer review  
 3-59 guidelines for primary and secondary prevention of heart disease or  
 3-60 stroke or that follows other review procedures that are designed to  
 3-61 distribute those funds on the basis of scientific merit.

3-62 (d) Interest earned from the investment of the heart disease  
 3-63 and stroke resource fund shall be deposited to the credit of the  
 3-64 fund.

3-65 SECTION 6. Section 93.051, Health and Safety Code, is  
 3-66 amended to read as follows:

3-67 Sec. 93.051. CARDIOVASCULAR DISEASE AND STROKE PREVENTION  
 3-68 PLAN; DUTIES OF COUNCIL. (a) The council shall develop an  
 3-69 effective and resource-efficient plan to reduce the morbidity,

4-1 mortality, and economic burden of cardiovascular disease and stroke  
4-2 in this state. The council shall:

4-3 (1) conduct health education, public awareness, and  
4-4 community outreach activities that relate to primary and secondary  
4-5 prevention of cardiovascular disease and stroke;

4-6 (2) promote, enhance, and coordinate health  
4-7 education, public awareness, and community outreach activities  
4-8 that relate to primary and secondary prevention of cardiovascular  
4-9 disease and stroke and that are provided by private and other public  
4-10 organizations;

4-11 (3) coordinate activities with other entities that are  
4-12 concerned with medical conditions that are similar to  
4-13 cardiovascular disease and stroke or that have similar risk  
4-14 factors;

4-15 (4) identify to health care providers, employers,  
4-16 schools, community health centers, and other groups the benefits of  
4-17 encouraging treatment, primary and secondary prevention, and  
4-18 public awareness of cardiovascular disease and stroke and recognize  
4-19 innovative and effective programs that achieve the objectives of  
4-20 improved treatment, prevention, and public awareness;

4-21 (5) provide guidance regarding the roles and  
4-22 responsibilities of government agencies, health care providers,  
4-23 employers, third-party payers, patients, and families of patients  
4-24 in the treatment, primary and secondary prevention, and public  
4-25 awareness of cardiovascular disease and stroke;

4-26 (6) improve access to treatment for and primary and  
4-27 secondary prevention of cardiovascular disease and stroke through  
4-28 public awareness programs, including access for uninsured  
4-29 individuals and individuals living in rural or underserved areas;

4-30 (7) assist communities to develop comprehensive local  
4-31 cardiovascular disease and stroke prevention programs;

4-32 (8) assist the Texas Education Agency and local school  
4-33 districts to promote a public school curriculum that includes  
4-34 physical, nutritional, and health education relating to  
4-35 cardiovascular disease and stroke prevention;

4-36 (9) establish appropriate forums, programs, or  
4-37 initiatives designed to educate the public regarding the impact of  
4-38 heart disease and stroke on women's health, with an emphasis on  
4-39 preventive health and healthy lifestyles; and

4-40 (10) ~~(9)~~ evaluate and enhance the implementation  
4-41 and effectiveness of the program developed under this chapter.

4-42 (b) The council shall make written recommendations for  
4-43 performing its duties under this chapter to the department and the  
4-44 legislature.

4-45 (c) The council shall advise the legislature on legislation  
4-46 that is needed to develop further and maintain a statewide system of  
4-47 quality education services for all persons with cardiovascular  
4-48 disease or stroke. The council may develop and submit legislation  
4-49 to the legislature or comment on pending legislation that affects  
4-50 persons with cardiovascular disease and stroke.

4-51 SECTION 7. Section 93.006(a), Health and Safety Code, is  
4-52 repealed.

4-53 SECTION 8. The changes in law made by Section 93.002, Health  
4-54 and Safety Code, as amended by this Act, do not affect the  
4-55 entitlement of a member of the Council on Cardiovascular Disease  
4-56 and Stroke serving on the council immediately before the effective  
4-57 date of this Act to continue to carry out the council's functions  
4-58 for the remainder of the member's term.

4-59 SECTION 9. This Act takes effect September 1, 2005.

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