

By: Delisi

H.B. No. 2479

Substitute the following for H.B. No. 2479:

By: Solis

C.S.H.B. No. 2479

A BILL TO BE ENTITLED

AN ACT

relating to the medical assistance program and the expansion of faith- and community-based health and human services initiatives.

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

ARTICLE 1. MEDICAL ASSISTANCE PROGRAM

SECTION 1.01. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0081 to read as follows:

Sec. 531.0081. OFFICE OF MEDICAL TECHNOLOGY. (a) In this section, "office" means the office of medical technology.

(b) The commission shall establish the office of medical technology within the commission. The office shall explore and evaluate new developments in medical technology and propose implementing the technology in the medical assistance program under Chapter 32, Human Resources Code, if appropriate and cost-effective.

(c) Office staff must have skills and experience in research regarding health care technology.

SECTION 1.02. Section 531.021, Government Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) In adopting rates for medical assistance payments under Subsection (b)(2), the executive commissioner may adopt reimbursement rates for appropriate nursing services provided to recipients with certain health conditions if those services are determined to provide a cost-effective alternative to

1 hospitalization. A physician must certify that the nursing  
2 services are medically appropriate for the recipient for those  
3 services to qualify for reimbursement under this subsection.

4 (g) In adopting rates for medical assistance payments under  
5 Subsection (b)(2), the executive commissioner may adopt  
6 cost-effective reimbursement rates for group appointments with  
7 medical assistance providers for certain diseases and medical  
8 conditions specified by rules of the executive commissioner.

9 SECTION 1.03. Subchapter B, Chapter 531, Government Code,  
10 is amended by adding Section 531.02175 to read as follows:

11 Sec. 531.02175. REIMBURSEMENT FOR ONLINE MEDICAL  
12 CONSULTATIONS. (a) In this section, "physician" means a person  
13 licensed to practice medicine in this state under Subtitle B, Title  
14 3, Occupations Code.

15 (b) Subject to the requirements of this subsection, the  
16 executive commissioner by rule may require the commission and each  
17 health and human services agency that administers a part of the  
18 Medicaid program to provide Medicaid reimbursement for a medical  
19 consultation that is provided by a physician or other health care  
20 professional using the Internet as a cost-effective alternative to  
21 an in-person consultation. The executive commissioner may require  
22 the commission or a health and human services agency to provide the  
23 reimbursement described by this subsection only if the Centers for  
24 Medicare and Medicaid Services develop an appropriate Current  
25 Procedural Terminology code for medical services provided using the  
26 Internet.

27 (c) The executive commissioner may develop and implement a

pilot program in one or more sites chosen by the executive commissioner under which Medicaid reimbursements are paid for medical consultations provided by physicians or other health care professionals using the Internet. The pilot program must be designed to test whether an Internet medical consultation is a cost-effective alternative to an in-person consultation under the Medicaid program. The executive commissioner may modify the pilot program as necessary throughout its implementation to maximize the potential cost-effectiveness of Internet medical consultations. If the executive commissioner determines from the pilot program that Internet medical consultations are cost-effective, the executive commissioner may expand the pilot program to additional sites or may implement Medicaid reimbursements for Internet medical consultations statewide.

(d) The executive commissioner is not required to implement the pilot program authorized under Subsection (c) as a prerequisite to providing Medicaid reimbursement authorized by Subsection (b) on a statewide basis.

SECTION 1.04. (a) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.083 to read as follows:

Sec. 531.083. HOSPITAL EMERGENCY ROOM USE REDUCTION INITIATIVES. The commission shall develop and implement a comprehensive plan to reduce the use of hospital emergency room services by recipients under the medical assistance program. The plan may include:

(1) a pilot program designed to facilitate program participants in accessing an appropriate level of health care,

1 which may include as components:

2 (A) providing program participants access to  
3 bilingual health services providers; and

4 (B) giving program participants information on  
5 how to access primary care physicians, advanced practice nurses,  
6 and local health clinics;

7 (2) a pilot program under which health care providers,  
8 other than hospitals, are given financial incentives for treating  
9 recipients outside of normal business hours to divert those  
10 recipients from hospital emergency rooms;

11 (3) payment of a nominal referral fee to hospital  
12 emergency rooms that perform an initial medical evaluation of a  
13 recipient and subsequently refer the recipient, if medically  
14 stable, to an appropriate level of health care, such as care  
15 provided by a primary care physician, advanced practice nurse, or  
16 local clinic;

17 (4) a program under which the commission or a managed  
18 care organization that enters into a contract with the commission  
19 under Chapter 533 contacts, by telephone or mail, a recipient who  
20 accesses a hospital emergency room three times during a six-month  
21 period and provides the recipient with information on ways the  
22 recipient may secure a medical home to avoid unnecessary treatment  
23 at hospital emergency rooms;

24 (5) a health care literacy program under which the  
25 commission develops partnerships with other state agencies and  
26 private entities to:

27 (A) assist the commission in developing

1 materials that:

2 (i) contain basic health care information  
3 for parents of young children who are recipients under the medical  
4 assistance program and who are participating in public or private  
5 child-care or prekindergarten programs, including federal Head  
6 Start programs; and

7 (ii) are written in a language  
8 understandable to those parents and specifically tailored to be  
9 applicable to the needs of those parents;

10 (B) distribute the materials developed under  
11 Paragraph (A) to those parents; and

12 (C) otherwise teach those parents about the  
13 health care needs of their children and ways to address those needs;  
14 and

15 (6) other initiatives developed and implemented in  
16 other states that have shown success in reducing the incidence of  
17 unnecessary treatment in hospital emergency rooms.

18 (b) The Health and Human Services Commission may develop the  
19 health care literacy component of the comprehensive plan to reduce  
20 the use of hospital emergency room services required by Section  
21 531.083(5), Government Code, as added by this section, so that the  
22 health care literacy component operates in a manner similar to the  
23 manner in which the Johnson & Johnson/UCLA Health Care Institute  
24 operates its health care training program that is designed to teach  
25 parents to better address the health care needs of their children.

26 SECTION 1.05. Subchapter B, Chapter 531, Government Code,  
27 is amended by adding Section 531.084 to read as follows:

1       Sec. 531.084. PERFORMANCE BONUS PILOT PROGRAM. (a) The  
2 commission shall develop a proposal for providing higher  
3 reimbursement rates to primary care case management providers under  
4 the Medicaid program who treat program recipients with chronic  
5 health conditions in accordance with evidence-based, nationally  
6 accepted best practices and standards of care.

7       (b) The commission shall define the parameters of the  
8 proposed program, including:

9               (1) the types of chronic health conditions the program  
10 would target;

11              (2) the best practices and standards of care that must  
12 be followed for a provider to obtain a higher reimbursement rate  
13 under the proposed program; and

14              (3) the types of providers to whom the higher  
15 reimbursement rate would be offered under the proposed program.

16       (c) Not later than December 1, 2006, the Health and Human  
17 Services Commission shall report to the standing committees of the  
18 senate and the house of representatives having primary jurisdiction  
19 over welfare programs regarding the proposed program under this  
20 section. The report must include:

21              (1) the anticipated effect of the higher reimbursement  
22 rates to be offered under the program on the quality of care  
23 provided and the health outcomes for program recipients;

24              (2) a determination of whether the program would be  
25 cost-effective; and

26              (3) a recommendation regarding implementation of the  
27 program.

1        (d) This section expires September 1, 2007.

2        SECTION 1.06. Section 562.1085, Occupations Code, is  
3        amended by amending Subsection (a) and adding Subsection (f) to  
4        read as follows:

5        (a) A pharmacist who practices in or serves as a consultant  
6        for a health care facility in this state may return to a pharmacy  
7        certain unused drugs, other than a controlled substance as defined  
8        by Chapter 481, Health and Safety Code, purchased from the pharmacy  
9        as provided by board rule. The unused drugs must:

10        (1) be approved by the federal Food and Drug  
11        Administration and be:

12        (A) sealed in [~~the manufacturer's original~~]  
13        unopened tamper-evident packaging and either individually packaged  
14        or packaged in unit-dose packaging;

15        (B) oral or parenteral medication in sealed  
16        single-dose containers approved by the federal Food and Drug  
17        Administration;

18        (C) topical or inhalant drugs in sealed  
19        units-of-use containers approved by the federal Food and Drug  
20        Administration; or

21        (D) parenteral medications in sealed  
22        multiple-dose containers approved by the federal Food and Drug  
23        Administration from which doses have not been withdrawn; and

24        (2) not be the subject of a mandatory recall by a state  
25        or federal agency or a voluntary recall by a drug seller or  
26        manufacturer.

27        (f) The tamper-evident packaging required under Subsection

1 (a)(1) for the return of unused drugs is not required to be the  
2 manufacturer's original packaging unless that packaging is  
3 required by federal law.

4 SECTION 1.07. MEDICAID COVERAGE FOR HEALTH INSURANCE  
5 PREMIUMS AND LONG-TERM CARE NEEDS. (a) The Health and Human  
6 Services Commission shall explore the commission's authority under  
7 federal law to offer, and the cost and feasibility of offering:

8 (1) a stipend paid by the Medicaid program to a person  
9 to cover the cost of a private health insurance plan as an  
10 alternative to providing traditional Medicaid services for the  
11 person;

12 (2) premium payment assistance through the Medicaid  
13 program for long-term care insurance for a person with a health  
14 condition that increases the likelihood that the person will need  
15 long-term care in the future; and

16 (3) a long-term care partnership between the Medicaid  
17 program and a person under which the person pays the premiums for  
18 long-term care insurance and the Medicaid program provides  
19 continued coverage after benefits under that insurance are  
20 exhausted.

21 (b) In exploring the feasibility of the options described by  
22 Subsection (a) of this section, the Health and Human Services  
23 Commission shall consider whether other state incentives that could  
24 encourage persons to purchase health insurance plans or long-term  
25 care insurance are feasible. The incentives may include offering  
26 tax credits to businesses to increase the availability of  
27 affordable insurance.



(c) If the Health and Human Services Commission determines that any of the options described by Subsection (a) of this section are feasible and cost-effective, the commission shall make efforts to implement those options to the extent they are authorized by federal law. The commission shall request any necessary waivers from the Centers for Medicare and Medicaid Services as soon as possible after determining that an option is feasible and cost-effective. If the commission determines that legislative changes are necessary to implement an option, the commission shall report to the 80th Legislature and specify the changes that are needed.

ARTICLE 2. FAITH- AND COMMUNITY-BASED INITIATIVES

SECTION 2.01. Chapter 401, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. TEXAS MENTORING INITIATIVE

Sec. 401.151. ESTABLISHMENT AND PURPOSE OF TEXAS MENTORING INITIATIVE. (a) The office of the governor shall establish the Texas mentoring initiative to fund activities that:

(1) create or expand mentoring opportunities in this state;

(2) promote responsible fatherhood and healthy marriages; and

(3) increase the capacity of faith- and community-based organizations, as defined by Section 535.001, to provide mentoring services to persons in this state and increase the participation of those organizations in providing those services.

1       (b) The office of the governor shall administer the Texas  
2 mentoring initiative subject to the availability of funds  
3 appropriated for that purpose.

4       Sec. 401.152. COORDINATION WITH STATE AGENCIES. To  
5 implement activities of the Texas mentoring initiative, the office  
6 of the governor may coordinate with:

7           (1) the Health and Human Services Commission;

8           (2) the Office of the Attorney General;

9           (3) the Texas Education Agency;

10          (4) the Texas Workforce Commission; and

11          (5) other state agencies as appropriate.

12       Sec. 401.153. COORDINATION WITH OTHER ENTITIES. To better  
13 integrate the activities of the Texas mentoring initiative, the  
14 office of the governor may coordinate those activities with:

15           (1) agencies of the federal government and political  
16 subdivisions of this state;

17           (2) faith- and community-based organizations, as  
18 defined by Section 535.001; and

19           (3) other persons with expertise or interest in  
20 mentoring services.

21       Sec. 401.154. GRANTS. The office of the governor shall  
22 provide grants through the Texas mentoring initiative to fund  
23 activities that:

24           (1) expand mentoring opportunities in this state;

25           (2) provide mentoring to at-risk youth to help those  
26 youth with leadership skills and personal success;

27           (3) serve children of persons who are incarcerated;

1           (4) improve school attendance and performance;

2           (5) promote responsible fatherhood by educating  
3 fathers regarding their critical role with respect to their  
4 families and children;

5           (6) expand the involvement of businesses, schools, and  
6 faith- and community-based organizations, as defined by Section  
7 535.001, in providing mentoring services and increase partnership  
8 opportunities between those entities and state government;

9           (7) discourage the use of drugs and alcohol by youth;

10          (8) promote healthy marriages through education and  
11 marriage skills programs; and

12          (9) support the renewing our communities account under  
13 Subchapter D, Chapter 535.

14          SECTION 2.02. (a) Subchapter B, Chapter 531, Government  
15 Code, is amended by adding Section 531.085 to read as follows:

16          Sec. 531.085. DATABASE OF VOLUNTEER OPPORTUNITIES. (a)  
17 The commission shall establish a searchable Internet database that  
18 lists opportunities throughout this state for volunteers to provide  
19 assistance to agencies of this state in delivering services to  
20 persons in this state and to faith- and community-based  
21 organizations that partner with a state agency to deliver those  
22 services. The commission shall adopt rules regarding:

23           (1) minimum requirements the state agency or faith- or  
24 community-based organization must meet to submit an opportunity for  
25 listing on the database, including:

26           (A) the types of volunteer opportunities the  
27 agency or organization may submit; and

1                   (B) the minimum information that must be provided  
2 for a listing on the database; and

3                   (2) the method by which a prospective volunteer may  
4 contact the appropriate person at the agency or organization that  
5 lists an opportunity on the database.

6                   (b) Each state agency that has a faith- and community-based  
7 liaison designated under Section 535.051 shall provide to the  
8 commission information regarding volunteer opportunities described  
9 by Subsection (a) and shall regularly update that information.

10                  (c) The commission may:

11                   (1) provide on the Internet website containing the  
12 database required by this section links to other appropriate  
13 Internet websites that list volunteer opportunities with  
14 charitable organizations; and

15                   (2) create a link to the Internet website containing  
16 the database that a person may download and use on another Internet  
17 website to refer other persons to the database.

18                  (d) The commission may:

19                   (1) directly operate and maintain the database  
20 required by this section; or

21                   (2) contract or partner with another entity for the  
22 operation and maintenance of the database.

23                  (b) The Health and Human Services Commission shall  
24 establish the database of volunteer opportunities required by  
25 Section 531.085, Government Code, as added by this section, not  
26 later than January 1, 2006.

27                  SECTION 2.03. (a) Subtitle I, Title 4, Government Code, is

amended by adding Chapter 535 to read as follows:

CHAPTER 535. PROVISION OF HUMAN SERVICES THROUGH FAITH- AND

COMMUNITY-BASED ORGANIZATIONS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 535.001. DEFINITIONS. In this chapter:

(1) "Community-based organization" means a nonprofit corporation or association that is located in close proximity to the population the organization serves.

(2) "Faith-based organization" means a nonprofit corporation or association that:

(A) is operated through a religious or denominational organization, including an organization that is operated for religious, educational, or charitable purposes and that is operated, supervised, or controlled, wholly or partly, by or in connection with a religious organization; or

(B) clearly demonstrates through the organization's mission statement, policies, or practices that the organization is guided or motivated by religion.

Sec. 535.002. PURPOSE. The purpose of this chapter is to strengthen the capacity of faith- and community-based organizations and to forge stronger partnerships between those organizations and state government for the legitimate public purpose of providing charitable and social services to persons in this state.

Sec. 535.003. CONSTRUCTION. This chapter may not be construed to:

(1) exempt a faith- or community-based organization

1 from any applicable state or federal law; or

2 (2) be an endorsement or sponsorship by this state of  
3 the religious character, expression, beliefs, doctrines, or  
4 practices of a faith-based organization.

5 Sec. 535.004. APPLICABILITY OF CERTAIN FEDERAL LAW. A  
6 power authorized or duty imposed under this chapter must be  
7 performed in a manner that is consistent with 42 U.S.C. Section  
8 604a.

9 [Sections 535.005-535.050 reserved for expansion]

10 SUBCHAPTER B. GOVERNMENTAL LIAISONS FOR FAITH- AND  
11 COMMUNITY-BASED ORGANIZATIONS

12 Sec. 535.051. DESIGNATION OF FAITH- AND COMMUNITY-BASED  
13 LIAISONS. (a) The executive commissioner, in consultation with  
14 the governor, shall designate one employee from each health and  
15 human services agency to serve as a liaison for faith- and  
16 community-based organizations.

17 (b) The chief administrative officer of each of the  
18 following state agencies, in consultation with the governor, shall  
19 designate one employee from the agency to serve as a liaison for  
20 faith- and community-based organizations:

21 (1) the Office of Rural Community Affairs;  
22 (2) the Texas Commission on Environmental Quality;  
23 (3) the Texas Department of Criminal Justice;  
24 (4) the Texas Department of Housing and Community  
25 Affairs;

26 (5) the Texas Education Agency;  
27 (6) the Texas Juvenile Probation Commission;

1           (7) the Texas Veterans Commission;  
2           (8) the Texas Workforce Commission;  
3           (9) the Texas Youth Commission; and  
4           (10) other state agencies as determined by the  
5 governor.

6           Sec. 535.052. GENERAL DUTIES OF LIAISONS. A faith- and  
7 community-based liaison designated under Section 535.051 shall:

8           (1) identify and remove unnecessary barriers to  
9 partnerships between the state agency the liaison represents and  
10 faith- and community-based organizations;

11           (2) provide information and training, if necessary,  
12 for employees of the state agency the liaison represents regarding  
13 equal opportunity standards for faith- and community-based  
14 organizations seeking to partner with state government;

15           (3) facilitate the identification of practices with  
16 demonstrated effectiveness for faith- and community-based  
17 organizations that partner with the state agency the liaison  
18 represents;

19           (4) work with the appropriate departments and programs  
20 of the state agency the liaison represents to conduct outreach  
21 efforts to inform and welcome faith- and community-based  
22 organizations that have not traditionally formed partnerships with  
23 the agency;

24           (5) coordinate all efforts with the governor's office  
25 of faith-based and community initiatives and provide information,  
26 support, and assistance to that office as requested to the extent  
27 permitted by law and if feasible; and

1           (6) attend conferences sponsored by federal agencies  
2 and offices and other relevant entities to become and remain  
3 informed of issues and developments regarding faith- and  
4 community-based initiatives.

5           Sec. 535.053. INTERAGENCY COORDINATING GROUP. (a) The  
6 interagency coordinating group for faith- and community-based  
7 initiatives is composed of each faith- and community-based liaison  
8 designated under Section 535.051.

9           (b) The interagency coordinating group shall work across  
10 state agencies to facilitate the removal of unnecessary interagency  
11 barriers to partnerships between state agencies and faith- and  
12 community-based organizations.

13           Sec. 535.054. REPORTS; MEETINGS. (a) A liaison designated  
14 under Section 535.051 shall:

15           (1) provide periodic reports to the executive  
16 commissioner or other chief executive officer who designated the  
17 liaison, as applicable, on a schedule determined by the person who  
18 designated the liaison; and

19           (2) report annually to the governor's office of  
20 faith-based and community initiatives regarding the liaison's  
21 efforts to comply with the duties imposed under Sections 535.052  
22 and 535.053.

23           (b) Each report made under Subsection (a)(2) must be made  
24 available to the public through posting on the office of the  
25 governor's Internet website.

26           [Sections 535.055-535.100 reserved for expansion]



1     SUBCHAPTER C. CENTER FOR FAITH- AND COMMUNITY-BASED INITIATIVES

2         Sec. 535.101. DEFINITIONS. In this subchapter:

3             (1) "Community-based initiative" means a health or  
4 human services initiative operated by a community-based  
5 organization.

6             (2) "Faith-based initiative" means a health or human  
7 services initiative operated by a faith-based organization.

8             (3) "Center" means the center for faith- and  
9 community-based initiatives established under Section 535.102.

10         Sec. 535.102. ESTABLISHMENT OF CENTER FOR FAITH- AND  
11 COMMUNITY-BASED INITIATIVES. The executive commissioner shall  
12 establish within the commission a center for faith- and  
13 community-based initiatives. The center must be operated in a  
14 manner that promotes effective partnerships between the commission  
15 or a health and human services agency and faith- and  
16 community-based organizations to serve residents of this state who  
17 need assistance.

18         Sec. 535.103. OPERATION OF CENTER. (a) In consultation  
19 with the governor, the executive commissioner shall appoint a  
20 director for the center.

21             (b) The commission shall provide the center with  
22 appropriate staff, administrative support services, and other  
23 resources to enable the center to perform the duties imposed under  
24 this subchapter.

25         Sec. 535.104. GENERAL DUTIES OF CENTER. The center shall:

26             (1) identify and remove unnecessary barriers to  
27 partnerships between the commission or a health and human services

1 agency and faith- and community-based organizations;

2 (2) provide information and training, if necessary,  
3 for employees of the commission and health and human services  
4 agencies regarding equal opportunity standards for faith- and  
5 community-based organizations seeking to partner with state  
6 government;

7 (3) facilitate the identification of practices with  
8 demonstrated effectiveness for faith- and community-based  
9 organizations that partner with the commission or a health and  
10 human services agency;

11 (4) based on the practices identified under  
12 Subdivision (3), develop proposals for innovative pilot programs  
13 and initiatives;

14 (5) work with the appropriate departments and programs  
15 of the commission and health and human services agencies to conduct  
16 outreach efforts to inform and welcome faith- and community-based  
17 organizations that have not traditionally formed partnerships with  
18 the commission or a health and human services agency;

19 (6) if appropriate, coordinate the use of volunteers  
20 from faith- and community-based organizations in providing health  
21 and human services;

22 (7) coordinate all efforts with the governor's office  
23 of faith-based and community initiatives and provide information,  
24 support, and assistance to that office as requested to the extent  
25 permitted by law and if feasible;

26 (8) send representatives to attend conferences  
27 sponsored by federal agencies and offices and other relevant

1 entities to become and remain informed of issues and developments  
2 regarding faith- and community-based initiatives; and

3 (9) serve as an informational resource for the  
4 legislature on ongoing efforts by this state to enhance the role of  
5 faith- and community-based organizations in providing human  
6 services through partnerships with state agencies.

7 Sec. 535.105. REPORTS. (a) The director of the center  
8 shall:

9 (1) provide periodic reports to the executive  
10 commissioner regarding the center's performance of the duties  
11 imposed under Section 535.104; and

12 (2) report annually to the governor's office of  
13 faith-based and community initiatives regarding the center's  
14 efforts to perform the duties imposed under Section 535.104 and the  
15 center's outcomes on the performance measures determined by the  
16 center.

17 (b) Each report made under Subsection (a)(2) must be made  
18 available to the public through posting on the office of the  
19 governor's Internet website.

20 [Sections 535.106-535.150 reserved for expansion]

21 SUBCHAPTER D. RENEWING OUR COMMUNITIES ACCOUNT

22 Sec. 535.151. DEFINITION. In this subchapter, "account"  
23 means the renewing our communities account.

24 Sec. 535.152. PURPOSES OF SUBCHAPTER. Recognizing that  
25 faith- and community-based organizations provide a range of vital  
26 charitable services to persons in this state, the purposes of this  
27 subchapter are to:

1           (1) increase the impact and effectiveness of those  
2 organizations;

3           (2) forge stronger partnerships between those  
4 organizations and state government so that communities are  
5 empowered to serve persons in need and community capacity for  
6 providing services is strengthened; and

7           (3) create a funding mechanism that builds on the  
8 established efforts of those organizations and operates to create  
9 new partnerships in local communities for the benefit of this  
10 state.

11       Sec. 535.153. RENEWING OUR COMMUNITIES ACCOUNT. (a) The  
12 renewing our communities account is an account in the general  
13 revenue fund that may be appropriated only to the commission for the  
14 purposes and activities authorized by this subchapter and for  
15 reasonable administrative expenses under this subchapter.

16       (b) The account consists of:

17           (1) all money appropriated for the purposes of this  
18 subchapter;

19           (2) any gifts, grants, or donations received for the  
20 purposes of this subchapter; and

21           (3) interest earned on money in the account.

22       (c) The account is exempt from the application of Section  
23 403.095.

24       (d) The purposes of the account are to:

25           (1) increase the capacity of and strengthen faith- and  
26 community-based organizations to provide charitable services to  
27 persons in this state who are in need of those services;

1           (2) assist local governmental entities in  
2 establishing local offices for faith- and community-based  
3 initiatives;

4           (3) foster better partnerships between state  
5 government and faith- and community-based organizations to provide  
6 charitable services to persons in this state; and

7           (4) leverage state and local resources to acquire  
8 federal or private grant funds to provide charitable services in  
9 this state.

10         Sec. 535.154. POWERS AND DUTIES REGARDING ACCOUNT. (a) The  
11 commission shall:

12           (1) develop and implement a competitive process for  
13 awarding grants from the account that is consistent with state law  
14 and includes objective selection criteria;

15           (2) oversee the delivery of training and other  
16 assistance activities under this subchapter;

17           (3) develop criteria limiting awards of grants under  
18 Subsection (b)(1) to small and medium-sized faith- and  
19 community-based organizations that provide charitable services to  
20 persons in this state;

21           (4) establish general state priorities for the  
22 account; and

23           (5) establish and monitor performance and outcome  
24 measures for persons to whom grants are awarded under this  
25 subchapter.

26         (b) The commission may:

27           (1) award grants from the account to faith- and

1 community-based organizations that provide charitable services to  
2 persons in this state for capacity-building purposes;

3 (2) directly, or through agreements with one or more  
4 entities that serve faith- and community-based organizations that  
5 provide charitable services to persons in this state:

6 (A) assist faith- and community-based  
7 organizations with:

8 (i) writing or managing grants through  
9 workshops or other forms of guidance;

10 (ii) obtaining legal assistance related to  
11 forming a corporation or obtaining an exemption from taxation under  
12 the Internal Revenue Code; and

13 (iii) obtaining information about or  
14 referrals to entities that provide expertise in accounting, legal,  
15 or tax issues, program development matters, or other organizational  
16 topics;

17 (B) provide information or assistance to faith-  
18 and community-based organizations related to building the  
19 organizations' capacity for providing services;

20 (C) facilitate the formation of networks, the  
21 coordination of services, and the sharing of resources among faith-  
22 and community-based organizations;

23 (D) in cooperation with existing efforts, if  
24 possible, conduct needs assessments to identify gaps in services in  
25 a community that present a need for developing or expanding  
26 services;

27 (E) work with faith- and community-based

1 organizations to identify the organizations' needs for  
2 improvements in their internal capacity for providing services;

3 (F) provide faith- and community-based  
4 organizations with information on and assistance in identifying or  
5 using best practices for delivering charitable services to persons,  
6 families, and communities and in replicating charitable services  
7 programs that have demonstrated effectiveness; and

8 (G) encourage research into the impact of  
9 organizational capacity on program delivery for faith- and  
10 community-based organizations;

11 (3) award grants from the account to local  
12 governmental entities to provide seed money for local offices for  
13 faith- and community-based initiatives;

14 (4) assist a local governmental entity in creating a  
15 better partnership between government and faith- and  
16 community-based organizations to provide charitable services to  
17 persons in this state;

18 (5) use the account to provide matching money for  
19 federal or private grant programs that further the purposes of the  
20 account as described by Section 535.153(d); and

21 (6) contract with the governor's office of faith-based  
22 and community initiatives to administer programs or perform duties  
23 or activities under this subchapter.

24 Sec. 535.155. FAITH- AND COMMUNITY-BASED INITIATIVES  
25 ADVISORY COMMITTEE. (a) The executive commissioner shall appoint  
26 faith and community leaders in this state to serve on the faith- and  
27 community-based initiatives advisory committee. The advisory

1 committee members must be representative of the religious and  
2 cultural diversity of this state.

3 (b) The advisory committee shall make recommendations to  
4 the executive commissioner regarding the executive commissioner's  
5 powers and duties with respect to the account as described by  
6 Section 535.154.

7 (c) Except as otherwise provided by this subsection, the  
8 advisory committee shall meet at least twice each calendar year.  
9 The advisory committee is not required to meet if the remaining  
10 amount appropriated from the account to the commission for the  
11 state fiscal biennium is insufficient for the performance of any  
12 duties or activities under this subchapter.

13 (d) Chapter 2110 does not apply to the advisory committee.

14 (e) The advisory committee is subject to Chapter 551.

15 (b) The executive commissioner of the Health and Human  
16 Services Commission and the chief executive officers of the Office  
17 of Rural Community Affairs, the Texas Commission on Environmental  
18 Quality, the Texas Department of Criminal Justice, the Texas  
19 Department of Housing and Community Affairs, the Texas Education  
20 Agency, the Texas Juvenile Probation Commission, the Texas Veterans  
21 Commission, the Texas Workforce Commission, the Texas Youth  
22 Commission, and any other state agency as determined by the  
23 governor shall designate the liaisons for faith- and  
24 community-based initiatives as required under Section 535.051,  
25 Government Code, as added by this section, not later than September  
26 1, 2005.

27 (c) The executive commissioner of the Health and Human



1 Services Commission shall appoint the director of the center for  
2 faith- and community-based initiatives as required by Section  
3 535.103, Government Code, as added by this section, not later than  
4 September 15, 2005.

5 (d) The center for faith- and community-based initiatives  
6 established under Section 535.102, Government Code, as added by  
7 this section, shall file a report with the governor's office of  
8 faith-based and community initiatives not later than December 15,  
9 2005, that includes the center's performance measures on which the  
10 center will report its outcomes in each annual report under Section  
11 535.105, Government Code, as added by this section.

12 ARTICLE 3. IMPLEMENTATION; EFFECTIVE DATE

13 SECTION 3.01. If before implementing any provision of this  
14 Act a state agency determines that a waiver or authorization from a  
15 federal agency is necessary for implementation of that provision,  
16 the agency affected by the provision shall request the waiver or  
17 authorization and may delay implementing that provision until the  
18 waiver or authorization is granted.

19 SECTION 3.02. This Act takes effect September 1, 2005.