

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Dukes, Coleman

H.B. No. 1396

A BILL TO BE ENTITLED

AN ACT

relating to the Office for the Elimination of Health Disparities and the health disparities task force.

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

SECTION 1. Subchapter G, Chapter 12, Health and Safety Code, is transferred to Subtitle E, Title 2, Health and Safety Code, redesignated as Chapter 107A, Health and Safety Code, and amended to read as follows:

CHAPTER 107A [~~SUBCHAPTER G~~]. OFFICE FOR THE ELIMINATION OF HEALTH DISPARITIES [~~OF MINORITY HEALTH~~]

Sec. 107A.001 [~~12.081~~]. OFFICE FOR THE ELIMINATION OF HEALTH DISPARITIES [~~OF MINORITY HEALTH~~]. The executive commissioner of the Health and Human Services Commission [~~department~~] shall [~~establish and~~] maintain an office for the elimination of health disparities [~~of minority health~~] in the Health and Human Services Commission [~~department~~] to:

(1) assume a leadership role in working or contracting with state and federal agencies, universities, private interest groups, communities, foundations, and offices of minority health to develop [~~minority~~] health initiatives to decrease or eliminate health and health access disparities among multicultural, disadvantaged, and regional populations, including appropriate language services [~~bilingual communications~~]; and

(2) maximize use of existing resources without

1 duplicating existing efforts.

2 Sec. 107A.002 [~~12.082~~]. POWERS OF OFFICE. The office may:

3 (1) provide a central information and referral source,  
4 including a clearinghouse for health disparities information, and  
5 serve as the primary state resource in coordinating, planning, and  
6 advocating access to [~~minority~~] health care services to eliminate  
7 health disparities in this state;

8 (2) coordinate conferences and other training  
9 opportunities to increase skills among state agencies and  
10 government staff in management and in the appreciation of cultural  
11 diversity;

12 (3) pursue and administer grant funds for innovative  
13 projects for communities, groups, and individuals;

14 (4) provide recommendations and training in improving  
15 minority recruitment in state agencies;

16 (5) publicize information regarding health  
17 disparities and minority health issues through the use of the  
18 media;

19 (6) network with existing minority organizations,  
20 community-based health groups, and statewide health coalitions;

21 (7) solicit, receive, and spend grants, gifts, and  
22 donations from public and private sources; and

23 (8) contract with public and private entities in the  
24 performance of its responsibilities.

25 Sec. 107A.003 [~~12.083~~]. FUNDING. The Health and Human  
26 Services Commission [~~department~~] may distribute to the office  
27 unobligated and unexpended appropriations to be used to carry out

1 its powers.

2 ~~[Sec. 12.084. REPORT TO LEGISLATURE. Not later than~~  
3 ~~January 1 of each odd-numbered year, the office shall submit a~~  
4 ~~biennial report to the legislature regarding the activities of the~~  
5 ~~office and any findings and recommendations relating to minority~~  
6 ~~health issues.]~~

7 SECTION 2. Sections 107.001 through 107.004 and 107.008,  
8 Health and Safety Code, are amended to read as follows:

9 Sec. 107.001. DEFINITIONS ~~[DEFINITION]~~. In this chapter:

10 (1) "Commission" means the Health and Human Services  
11 Commission.

12 (2) "Executive commissioner" means the executive  
13 commissioner of the Health and Human Services Commission.

14 (3) "Health and human services agency" means a health  
15 and human services agency listed by Section 531.001, Government  
16 Code.

17 (4) "Task~~[, "task]~~ force" means the health disparities  
18 task force established under this chapter.

19 Sec. 107.002. PURPOSE. The purpose of the task force is to  
20 assist the commission ~~[department]~~ in accomplishing the following  
21 goals:

22 (1) to eliminate health and health access disparities  
23 in Texas among multicultural, disadvantaged, and regional  
24 populations; and

25 (2) to structure health and human services agency  
26 [reorganize department] programs to eliminate health and health  
27 access ~~[those]~~ disparities.

1           Sec. 107.003. DUTIES. (a) The task force shall:

2                   (1) investigate and report on issues related to health  
3 and health access disparities among multicultural, disadvantaged,  
4 and regional populations;

5                   (2) develop short-term and long-term strategies to  
6 eliminate health and health access disparities among  
7 multicultural, disadvantaged, and regional populations, with a  
8 focus on structuring health and human services agency [~~reorganizing~~  
9 ~~department~~] programs to eliminate those disparities;

10                  (3) monitor the progress of each health and human  
11 services agency [~~the department~~] in:

12                           (A) eliminating [~~the~~] health and health access  
13 disparities; and

14                           (B) structuring the agency's program activities  
15 [~~reorganizing department programs~~] to eliminate the disparities;  
16 and

17                   (4) advise each health and human services agency [~~the~~  
18 ~~department~~] on the implementation of any targeted programs or  
19 funding authorized by the legislature to address health and health  
20 access disparities.

21           (b) In performing the duties described in Subsection (a),  
22 the task force shall consult with each health and human services  
23 agency [~~the department~~], the Office for the Elimination of Health  
24 Disparities [~~of Minority Health and Cultural Competency, women's~~  
25 ~~health offices of the department~~], and any other relevant division  
26 of the commission [~~the department~~].

27           Sec. 107.004. REPORT. The task force shall submit a

1 biennial report on the progress of each health and human services  
2 agency [~~the department~~] in accomplishing the goals described by  
3 Section 107.002 to the governor, lieutenant governor, and speaker  
4 of the house of representatives. This report may be combined with  
5 any other report required of the commission [~~department~~] by law.

6 Sec. 107.008. PERSONNEL AND FACILITIES. The task force is  
7 administratively attached to the commission [~~department~~]. The  
8 commission [~~department~~] shall provide the necessary staff and  
9 facilities to assist the task force in performing its duties.

10 SECTION 3. The changes in law made by this Act do not affect  
11 the entitlement of a member serving on the health disparities task  
12 force immediately before the effective date of this Act to continue  
13 to carry out the task force's functions for the remainder of the  
14 member's term.

15 SECTION 4. (a) On January 1, 2008, or on an earlier date  
16 specified by the executive commissioner of the Health and Human  
17 Services Commission:

18 (1) the Department of State Health Services shall  
19 transfer any property, records, or personnel of the department  
20 related to the administration of the Office for the Elimination of  
21 Health Disparities, formerly known as the Office of Minority  
22 Health, or the health disparities task force to the Health and Human  
23 Services Commission to assist the commission to begin administering  
24 Chapter 107, Health and Safety Code, as amended by this Act, as  
25 efficiently as practicable;

26 (2) all powers, duties, functions, activities,  
27 obligations, rights, contracts, records, property, and

1 appropriations or other money of the Office for the Elimination of  
2 Health Disparities, formerly known as the Office of Minority  
3 Health, or the health disparities task force are transferred to the  
4 Health and Human Services Commission;

5 (3) a rule or form adopted by the Department of State  
6 Health Services that relates to the Office for the Elimination of  
7 Health Disparities, the Office of Minority Health, or the health  
8 disparities task force is a rule or form of the Health and Human  
9 Services Commission and remains in effect until altered by the  
10 commission; and

11 (4) a reference in law or an administrative rule to the  
12 Department of State Health Services that relates to the Office for  
13 the Elimination of Health Disparities, the Office of Minority  
14 Health, or the health disparities task force means the Health and  
15 Human Services Commission.

16 (b) The Health and Human Services Commission shall take all  
17 action necessary to provide for the transfer of the Office for  
18 Elimination of Health Disparities, formerly known as the Office of  
19 Minority Health, to the commission as soon as possible after the  
20 effective date of this Act but not later than January 1, 2008.

21 SECTION 5. This Act takes effect September 1, 2007.

ADOPTED

MAY 08 2007

*Lotay Spaw*  
Secretary of the Senate

By: *Zaffarini*

H.B. No. 1396

Substitute the following for H.B. No. 1396:

By: *Zaffarini*

C.S. H.B. No. 1396

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the Office for the Elimination of Health Disparities  
3 and the health disparities task force.

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

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6 Code, is transferred to Subtitle E, Title 2, Health and Safety  
7 Code, redesignated as Chapter 107A, Health and Safety Code, and  
8 amended to read as follows:

9 CHAPTER 107A [~~SUBCHAPTER G~~]. OFFICE FOR THE ELIMINATION OF  
10 HEALTH DISPARITIES [~~OF MINORITY HEALTH~~]

11 Sec. 107A.001 [~~12.081~~]. OFFICE FOR THE ELIMINATION OF  
12 HEALTH DISPARITIES [~~OF MINORITY HEALTH~~]. The executive  
13 commissioner of the Health and Human Services Commission  
14 [~~department~~] shall [~~establish and~~] maintain an office for the  
15 elimination of health disparities [~~of minority health~~] in the  
16 Health and Human Services Commission [~~department~~] to:

17 (1) assume a leadership role in working or  
18 contracting with state and federal agencies, universities,  
19 private interest groups, communities, foundations, and offices  
20 of minority health to develop [~~minority~~] health initiatives to  
21 decrease or eliminate health and health access disparities among  
22 racial, multicultural, disadvantaged, ethnic, and regional  
23 populations, including appropriate language services [~~bilingual~~]

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1 ~~communications~~]; and

2 (2) maximize use of existing resources without  
3 duplicating existing efforts.

4 Sec. 107A.002 [~~12.082~~]. POWERS OF OFFICE. The office may:

5 (1) provide a central information and referral  
6 source, including a clearinghouse for health disparities  
7 information, and serve as the primary state resource in  
8 coordinating, planning, and advocating access to [~~minority~~]  
9 health care services to eliminate health disparities in this  
10 state;

11 (2) coordinate conferences and other training  
12 opportunities to increase skills among state agencies and  
13 government staff in management and in the appreciation of  
14 cultural diversity;

15 (3) pursue and administer grant funds for innovative  
16 projects for communities, groups, and individuals;

17 (4) provide recommendations and training in improving  
18 minority recruitment in state agencies;

19 (5) publicize information regarding health  
20 disparities and minority health issues through the use of the  
21 media;

22 (6) network with existing minority organizations,  
23 community-based health groups, and statewide health coalitions;

24 (7) solicit, receive, and spend grants, gifts, and  
25 donations from public and private sources; and

26 (8) contract with public and private entities in the

2



1 performance of its responsibilities.

2       Sec. 107A.003 [~~12.083~~]. FUNDING.     The Health and Human  
3 Services Commission [~~department~~] may distribute to the office  
4 unobligated and unexpended appropriations to be used to carry  
5 out its powers.

6       ~~[Sec. 12.084. REPORT TO LEGISLATURE. Not later than~~  
7 ~~January 1 of each odd-numbered year, the office shall submit a~~  
8 ~~biennial report to the legislature regarding the activities of~~  
9 ~~the office and any findings and recommendations relating to~~  
10 ~~minority health issues.]~~

11       SECTION 2. Sections 107.001 through 107.004 and 107.008,  
12 Health and Safety Code, are amended to read as follows:

13       Sec. 107.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

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15 Commission.

16       (2) "Executive commissioner" means the executive  
17 commissioner of the Health and Human Services Commission.

18       (3) "Health and human services agency" means a health  
19 and human services agency listed by Section 531.001, Government  
20 Code.

21       (4) "Task[~~,~~ "task] force" means the health  
22 disparities task force established under this chapter.

23       Sec. 107.002. PURPOSE. The purpose of the task force is  
24 to assist the commission [~~department~~] in accomplishing the  
25 following goals:

26       (1) to eliminate health and health access disparities

1 in Texas among racial, multicultural, disadvantaged, ethnic, and  
2 regional populations; and

3 (2) to structure health and human services agency  
4 [~~reorganize department~~] programs to eliminate health and health  
5 access [~~these~~] disparities.

6 Sec. 107.003. DUTIES. (a) The task force shall:

7 (1) investigate and report on issues related to  
8 health and health access disparities among racial,  
9 multicultural, disadvantaged, ethnic, and regional populations;

10 (2) develop short-term and long-term strategies to  
11 eliminate health and health access disparities among racial,  
12 multicultural, disadvantaged, ethnic, and regional populations,  
13 with a focus on structuring health and human services agency  
14 [~~reorganizing department~~] programs to eliminate those  
15 disparities;

16 (3) monitor the progress of each health and human  
17 services agency [~~the department~~] in:

18 (A) eliminating [~~the~~] health and health access  
19 disparities; and

20 (B) structuring the agency's program activities  
21 [~~reorganizing department programs~~] to eliminate the disparities;  
22 and

23 (4) advise each health and human services agency [~~the~~  
24 ~~department~~] on the implementation of any targeted programs or  
25 funding authorized by the legislature to address health and  
26 health access disparities.

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1 (b) In performing the duties described in Subsection (a),  
2 the task force shall consult with each health and human services  
3 agency [~~the department~~], the Office for the Elimination of  
4 Health Disparities [~~of Minority Health and Cultural Competency,~~  
5 ~~women's health offices of the department~~], and any other  
6 relevant division of the commission [~~the department~~].

7 Sec. 107.004. REPORT. The task force shall submit a  
8 biennial report on the progress of each health and human  
9 services agency [~~the department~~] in accomplishing the goals  
10 described by Section 107.002 to the governor, lieutenant  
11 governor, and speaker of the house of representatives. This  
12 report may be combined with any other report required of the  
13 commission [~~department~~] by law.

14 Sec. 107.008. PERSONNEL AND FACILITIES. The task force is  
15 administratively attached to the commission [~~department~~]. The  
16 commission [~~department~~] shall provide the necessary staff and  
17 facilities to assist the task force in performing its duties.

18 SECTION 3. The changes in law made by this Act do not  
19 affect the entitlement of a member serving on the health  
20 disparities task force immediately before the effective date of  
21 this Act to continue to carry out the task force's functions for  
22 the remainder of the member's term.

23 SECTION 4. (a) On January 1, 2008, or on an earlier date  
24 specified by the executive commissioner of the Health and Human  
25 Services Commission:

26 (1) the Department of State Health Services shall

✍

1 transfer any property, records, or personnel of the department  
2 related to the administration of the Office for the Elimination  
3 of Health Disparities, formerly known as the Office of Minority  
4 Health, or the health disparities task force to the Health and  
5 Human Services Commission to assist the commission to begin  
6 administering Chapter 107, Health and Safety Code, as amended by  
7 this Act, as efficiently as practicable;

8 (2) all powers, duties, functions, activities,  
9 obligations, rights, contracts, records, property, and  
10 appropriations or other money of the Office for the Elimination  
11 of Health Disparities, formerly known as the Office of Minority  
12 Health, or the health disparities task force are transferred to  
13 the Health and Human Services Commission;

14 (3) a rule or form adopted by the Department of State  
15 Health Services that relates to the Office for the Elimination  
16 of Health Disparities, the Office of Minority Health, or the  
17 health disparities task force is a rule or form of the Health  
18 and Human Services Commission and remains in effect until  
19 altered by the commission; and

20 (4) a reference in law or an administrative rule to  
21 the Department of State Health Services that relates to the  
22 Office for the Elimination of Health Disparities, the Office of  
23 Minority Health, or the health disparities task force means the  
24 Health and Human Services Commission.

25 (b) The Health and Human Services Commission shall take  
26 all action necessary to provide for the transfer of the Office

1 for Elimination of Health Disparities, formerly known as the  
2 Office of Minority Health, to the commission as soon as possible  
3 after the effective date of this Act but not later than January  
4 1, 2008.

5 SECTION 5. This Act takes effect September 1, 2007.

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LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 3, 2007

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1396** by Dukes (Relating to the Office for the Elimination of Health Disparities and the health disparities task force.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

Sections one and two of the bill would transfer the Office for the Elimination of Health Disparities (OEHD) and the Health disparities task force from the Department of State Health Services (DSHS) to the Health and Human Services Commission (HHSC).

The bill would require HHSC to maintain an office for the elimination of health disparities. The task force would be required to investigate, and report on issues related to health disparities; develop strategies for the elimination of health disparities; monitor the progress; and advise each health and human services agency on targeted programs and funding. HHSC would be required to provide the necessary staff and facilities to assist the task force in performing its duties. A biennial report to the governor, lieutenant governor, and speaker of the house on the progress of each health and human services agency would be required.

DSHS would be required to transfer any property, records, and personnel related to the OEHD by January 1, 2008. All OEHD federal funds would transfer to HHSC. OEHD is the recipient of a federal grant Texas State Partnership to Address and Eliminate Health Disparities. This grant is a five-year project which is currently in its second grant year.

OEHD includes five full-time equivalents, which would transfer to HHSC. Travel and operating funds would be transferred based on a per-FTE allocation. The bill would require the transfer of the Office for Elimination of Health Disparities not later than January 1, 2008.

No significant fiscal impact is anticipated, since existing funds would be transferred from DSHS to HHSC.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission, 537 State Health Services, Department of  
**LBB Staff:** JOB, PP, CL, KE, MB

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**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 9, 2007**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB1396** by Dukes (Relating to the Office for the Elimination of Health Disparities and the health disparities task force.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission, 537 State Health Services, Department of

**LBB Staff:** JOB, CL, KE, MB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 6, 2007**

**TO:** Honorable Dianne White Delisi, Chair, House Committee on Public Health

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1396** by Dukes (Relating to the Office for the Elimination of Health Disparities and the health disparities task force.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

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**Source Agencies:** 529 Health and Human Services Commission, 537 State Health Services, Department of  
**LBB Staff:** JOB, CL, KE, MB

