

BILL ANALYSIS

C.S.H.B. 1358
By: Keffer
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

H.B. 14, 80th Legislature, Regular Session, 2007, created the Cancer Prevention and Research Institute of Texas. During the process of organizing the institute, several issues have been identified and suggestions made for potential improvements to the institute's operations.

C.S.H.B. 1358 clarifies, corrects, and improves the enabling legislation for the Cancer Prevention and Research Institute of Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Cancer Prevention and Research Institute of Texas oversight committee in SECTIONS 4 and 11 of this bill.

ANALYSIS

C.S.H.B. 1358 amends the Health and Safety Code to create the Cancer Prevention and Research Institute of Texas University Advisory Committee to advise the institute's oversight committee and the research and prevention programs committee regarding the role of institutions of higher education in cancer research. The bill provides for the advisory committee's membership. The bill authorizes the institute to supplement the salaries of the executive director and other senior staff. The bill increases from four-year terms to staggered six-year terms for oversight committee members service and makes the terms expire on January 31 of each odd-numbered year. The bill authorizes the oversight committee to adopt rules to administer the institute.

C.S.H.B. 1358 requires the executive director of the Cancer Prevention and Research Institute of Texas, with the approval by simple majority of the members of the oversight committee, to appoint as members of scientific research and prevention programs committees experts in the field of cancer research and prevention. The bill authorizes a member of a scientific research and prevention committee to receive an honorarium and clarifies that provisions of the Professional Services Procurement Act related to consulting services do not apply to an honorarium made to a committee member.

C.S.H.B. 1358 requires the oversight committee to create an ad hoc committee of experts to address childhood cancers and authorizes the institute's oversight committee, as necessary, to create ad hoc committees of experts to advise the oversight committee on issues relating to cancer and requires ad hoc committee members to serve for a period determined by the oversight committee.

C.S.H.B. 1358 establishes that members of a research and prevention programs committee serve for terms as determined by the executive director, rather than four-year terms, and that members of the university advisory committee or any ad hoc advisory committee, rather than the research and prevention programs committee, serve without compensation but are entitled to

reimbursement for actual and necessary expenses.

C.S.H.B. 1358 establishes conflict of interest procedures for a research and prevention programs committee, university advisory committee, or an ad hoc committee member relating to disclosure of the member's interest or financial interest in a matter before the committee and a member's recusal from the committee's deliberations and actions on such a matter. The bill establishes what constitutes a substantial financial interest.

C.S.H.B. 1358 clarifies that a five percent limitation on the expenditure of money received under the cancer prevention and research fund for indirect costs applies to a person who receives the money for cancer research and defines "indirect costs." The bill specifies that a five percent limitation on the annual expenditure of money for facility construction purposes also applies to money used for facility purchase, remodel, or renovation purposes. The bill specifies that expenditures for facility purchase, construction, remodel, or renovation projects must benefit cancer prevention and research.

C.S.H.B. 1358 requires the oversight committee to issue rules regarding the procedure for awarding grants and requires the rules to include the requirement that a research and prevention programs committee review grant applications and make recommendations to the executive director, rather than the oversight committee, regarding the award of cancer research grants, rather than research, therapy, development, and clinical trial grants. The bill requires the review to include a prioritized list that ranks the grant applications in the order the committee determines applications should be funded and the executive director to submit to the oversight committee a list of grant applications that is substantially based on the list and, to the extent possible, gives priority to proposals that meet certain requirements.

C.S.H.B. 1358 requires the oversight committee to follow the funding recommendations of the executive director, rather than the research and prevention programs committee, in the order the executive director submits the grant applications to the oversight committee unless two-thirds of the members of the oversight committee vote to disregard a recommendation.

C.S.H.B. 1358 clarifies that grants made by the oversight committee on the proceeds of bonds issued under the cancer prevention and research fund are for cancer research.

C.S.H.B. 1358 requires the institute's oversight committee to require as a condition of a grant that the grant recipient submit to regular inspection reviews of the grant project by institute staff, including progress oversight reviews, rather than requiring the research and prevention programs committee to require peer review progress oversight review of each recipient. The bill removes the requirement that the research and prevention programs committee report to the oversight committee any recommendations for subsequent actions. The bill requires the executive director to determine the grant review process. The bill authorizes the executive director to terminate grants that do not meet contractual obligations. The bill requires the executive director to report at least annually to the oversight committee on the progress and continued merit of each research program funded by the institute.

C.S.H.B. 1358 makes a grant applicant's name and address, the amount of funding applied for, the type of cancer to be addressed under the proposal, and any other information designated by the institute with the consent of the grant applicant public information subject to disclosure under open records provisions.

C.S.H.B. 1358 requires the governor, lieutenant governor, and speaker of the house of representatives, not later than December 1, 2009, each to designate one member of the oversight committee appointed by that person to serve a term expiring January 31, 2011, one member appointed by that person to serve a term expiring January 31, 2013, and one member appointed by that person to serve a term expiring January 31, 2015.

C.S.H.B. 1358 redefines "research and prevention programs committee."

C.S.H.B. 1358 repeals Sections 102.151(a) and (c), Health and Safety Code.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1358 adds a provision not in the original authorizing the Cancer Prevention and Research Institute of Texas to supplement the salary of the executive director and other senior institute staff members. The substitute adds a provision not in the original changing the duration of the terms of the institute's oversight committee members. The substitute adds a provision not in the original granting the oversight committee rulemaking authority. The substitute differs from the original by requiring the approval of a simply majority of the members of the committee for the appointments by the executive director of members of scientific research and prevention programs committees experts in the field of cancer research and prevention.

C.S.H.B. 1358 adds a provision not in the original exempting an honorarium made to a committee member from provisions of the Professional Services Procurement Act related to consulting.

C.S.H.B. 1358 adds a provision not in the original to establish that members of a research and prevention programs committee serve for terms as determined by the executive director, rather than four-year terms.

C.S.H.B. 1358 differs from the original by adding to the membership of the university advisory committee one member appointed by the president of Baylor College of Medicine, one member appointed by the president of Rice University, and an unspecified number of members appointed at the executive director's discretion by the chancellors of other institutions, whereas the original calls for two members of the university advisory committee to be appointed by the governor representing private or independent institutions of higher education in the state that have demonstrated success and leadership in cancer research.

C.S.H.B. 1358 adds a provision not in the original requiring the oversight committee to create an ad hoc committee of experts to address childhood cancers.

C.S.H.B. 1358 adds provisions not in the original requiring regular inspection reviews as a condition of a grant requiring the executive director to determine the grant review process, authorizing the executive director to terminate grants that do not meet contractual obligations, and requiring the executive director to report at least annually to the oversight committee on the progress and continued merit of each research program funded by the institute.

C.S.H.B. 1358 adds a provision not in the original to repeal Section 102.151(c), Health and Safety Code.

C.S.H.B. 1358 adds a provision not in the original requiring the governor, lieutenant governor, and speaker of the house of representatives, not later than December 1, 2009, to designate specified members of the oversight committee.