

BILL ANALYSIS

S.B. 1326
By: Nelson
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The current statewide health coordinating council (SHCC) statute contains outdated references to repealed federal statutes, inconsistent references to state health and human services agencies, and allows only health professionals to serve on advisory boards.

S.B. 1326 updates references to federal statutes, state statutes, and state agencies in the SHCC statute and authorizes individuals from the public and private sectors to serve on SHCC advisory boards and ad hoc committees.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practicable, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

S.B. 1326 amends the Health and Safety Code to update provisions relating to the statewide health coordinating council and state health plan by changing references to Texas Board of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Department of Human Services, and the nurse licensing board.

S.B. 1326 defines "commission," "commissioner," "department," "executive commissioner" and revises the definition of "health care facility" to update references to certain facilities and remove a reference to such facilities designated by federal law. The bill clarifies the statewide health coordinating council's authorization to form advisory boards or ad hoc committees composed of individuals from the public and private sectors, rather than health care experts from the public and private sectors, to review policy matters related to the council's purpose.

S.B. 1326 removes the requirement that the staff of the former Bureau of State Health Data and Policy Analysis continue to assist the council in the performance of its duties.

S.B. 1326 establishes that a hospital that does not submit to the Department of State Health Services required financial and utilization data is subject to civil penalties under state law.

S.B. 1326 repeals Sections 104.003 and 104.041, Health and Safety Code, referencing federal laws under provisions relating to the statewide health coordinating council and state health plan and designating the state health planning and development agency for purposes of federal law. The bill makes conforming changes related to the repeal.

EFFECTIVE DATE

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