

BILL ANALYSIS

Senate Research Center
81R9496 SJM-D

S.B. 1326
By: Nelson
Health & Human Services
4/17/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The current Statewide Health Coordinating Council (SHCC) statute contains outdated references to repealed federal statutes and inconsistent references to state health and human services agencies and allows only health professionals to serve on advisory boards.

As proposed, 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

Rulemaking authority previously granted to the Texas Board of Health is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 7 (Section 104.042, Health and Safety Code) and SECTION 10 (Section 105.005, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 104.001(a), Health and Safety Code, to delete existing text providing that the policy of this state and the purposes of this chapter are to meet the requirements of applicable federal law. Makes nonsubstantive changes.

SECTION 2. Amends Section 104.002, Health and Safety Code, as follows:

Sec. 104.002. New heading: DEFINITIONS. Defines "commission," "commissioner," "department," and "executive commissioner." Redefines "health care facility."

SECTION 3. Amends Section 104.011(a), Health and Safety Code, as follows:

(a) Provides that the statewide health coordinating council (council) is composed of 17 members determined as follows:

- (1) the executive commissioner of the Health and Human Services Commission (executive commissioner), rather than the commissioner of health and human services, or a representative designated by the executive commissioner;
- (2) the chair, rather than presiding officer, of the Texas Higher Education Coordinating Board (THECB) or a representative designated by the presiding officer;
- (3) the commissioner of the Department of State Health Services (commissioner), rather than the presiding officer of DSHS, or a representative designated by the commissioner, rather than the presiding officer;
- (4) the presiding officer of the Department of Aging and Disability Services (DADS), rather than the presiding officer of the Texas Department of Mental Health and Mental Retardation (MHMR), or a representative designated by the presiding officer of DADS; and
- (5) certain members to be appointed by the governor.

SECTION 4. Amends Section 104.015, Health and Safety Code, as follows:

Sec. 104.015. **ADVISORY BOARDS AND AD HOC COMMITTEES.** Authorizes the statewide health coordinating council to form advisory boards or ad hoc committees composed of individuals, rather than health care experts, from the public and private sectors to review policy matters related to the council's purpose.

SECTION 5. Amends Section 104.0155(a), Health and Safety Code, to require the nursing advisory committee to include members of associations that represent nurses, educators of nurses, and employers of nurses; members who represent the Texas Board of Nursing, rather than nurse licensing boards; and a nurse researcher.

SECTION 6. Amends Sections 104.022(b) and (c), Health and Safety Code, as follows:

(b) Makes a conforming change.

(c) Requires DSHS to consult with DADS and HHSC, rather than MHMR and TDH, and other appropriate health-related state agencies designated by the governor before performing the duties and functions prescribed by state and federal law regarding the development of the state health plan.

SECTION 7. Amends Sections 104.042(a) and (b), Health and Safety Code, as follows:

(a) Requires the executive commissioner, rather than the Texas Board of Health (board), to by rule establish reasonable procedures for the collection of data by DSHS from health care facilities and for the distribution of data necessary to facilitate and expedite proper and effective health planning and resource development.

(b) Makes a conforming change.

SECTION 8. Amends Section 104.0421(f), Health and Safety Code, to delete existing text requiring the staff of the Bureau of State Health Data and Policy Analysis that previously assisted the council to continue to assist the council.

SECTION 9. Amends Sections 104.043(a) and (c), as follows:

(a) Makes a conforming change.

(c) Requires that attorney general, at the request of the executive commissioner, rather than the commissioner of public health, to sue in the name of the state to recover the civil penalty.

SECTION 10. Amends Section 105.005, Health and Safety Code, as follows:

Sec. 105.005. **RULES.** Requires the executive commissioner, rather than the board, to adopt rules to govern the reporting and collecting of data.

SECTION 11. Amends Section 311.033, Health and Safety Code, by adding Subsection (d), to provide that a hospital that does not submit to DSHS the data required under this section is subject to civil penalties under Section 104.043 (Failure to Submit Data; Civil Penalty).

SECTION 12. Repealer: Section 104.003 (Federal Law), Health and Safety Code.

Repealer: Section 104.041 (State Health Planning and Development Agency), Health and Safety Code.

SECTION 13. Effective date: upon passage or September 1, 2009.