

AN ACT

relating to the functions of the statewide health coordinating council; providing civil penalties.

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

SECTION 1. Subsection (a), Section 104.001, Health and Safety Code, is amended to read as follows:

(a) The policy of this state and the purpose of this chapter are to

~~[(1)]~~ ensure that health care services and facilities are available to all citizens in an orderly and economical manner

~~and~~

~~[(2) meet the requirements of applicable federal law].~~

SECTION 2. Section 104.002, Health and Safety Code, is amended to read as follows:

Sec. 104.002. DEFINITIONS ~~[DEFINITION]~~. In this chapter:

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

(2) "Commissioner" means the commissioner of the Department of State Health Services.

(3) "Department" means the Department of State Health Services.

(4) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(5) "Health~~[, "health]~~ care facility" means a public

1 or private hospital, skilled nursing facility, intermediate care  
2 facility, ambulatory surgical center [~~facility~~], family planning  
3 clinic that performs ambulatory surgical procedures, rural or urban  
4 health initiative clinic, end stage renal disease facility [~~kidney~~  
5 ~~disease treatment facility~~], and inpatient rehabilitation  
6 facility[, ~~and any other facility designated a health care facility~~  
7 ~~by federal law~~]. The term does not include the office of physicians  
8 or practitioners of the healing arts practicing individually or in  
9 groups.

10 SECTION 3. Subsection (a), Section 104.011, Health and  
11 Safety Code, is amended to read as follows:

12 (a) The statewide health coordinating council is composed  
13 of 17 members determined as follows:

14 (1) the executive commissioner [~~of health and human~~  
15 ~~services~~] or a representative designated by the executive  
16 commissioner;

17 (2) the chair [~~presiding officer~~] of the Texas Higher  
18 Education Coordinating Board or a representative designated by the  
19 presiding officer;

20 (3) the commissioner [~~presiding officer of the~~  
21 ~~department~~] or a representative designated by the commissioner  
22 [~~presiding officer~~];

23 (4) the presiding officer of the [~~Texas~~] Department of  
24 Aging and Disability Services [~~Mental Health and Mental~~  
25 ~~Retardation~~] or a representative designated by the presiding  
26 officer; and

27 (5) the following members appointed by the governor:

1 (A) three health care professionals from the  
2 allied health, dental, medical, mental health, and pharmacy  
3 professions, no two of whom may be from the same profession;

4 (B) one registered nurse;

5 (C) two representatives of a university or  
6 health-related institution of higher education;

7 (D) one representative of a junior or community  
8 college with a nursing program;

9 (E) one hospital administrator;

10 (F) one managed care administrator; and

11 (G) four public members.

12 SECTION 4. Section 104.015, Health and Safety Code, is  
13 amended to read as follows:

14 Sec. 104.015. ADVISORY BOARDS AND AD HOC COMMITTEES. The  
15 statewide health coordinating council may form advisory boards or  
16 ad hoc committees composed of individuals [~~health care experts~~]  
17 from the public and private sectors to review policy matters  
18 related to the council's purpose.

19 SECTION 5. Subsection (a), Section 104.0155, Health and  
20 Safety Code, is amended to read as follows:

21 (a) The statewide health coordinating council shall form a  
22 nursing advisory committee the majority of the members of which  
23 must be nurses. The committee:

24 (1) must include:

25 (A) members of associations that represent  
26 nurses, educators of nurses, and employers of nurses;

27 (B) members who represent the Texas Board of

1 Nursing [~~nurse licensing boards~~]; and

2 (C) a nurse researcher; and

3 (2) may include other members who are health care  
4 experts from the public or private sector, nurses, nurse educators,  
5 employers of nurses, or consumers of nursing services.

6 SECTION 6. Subsections (b) and (c), Section 104.022, Health  
7 and Safety Code, are amended to read as follows:

8 (b) The statewide health coordinating council, in  
9 consultation with the commission [~~Health and Human Services~~  
10 ~~Commission~~], shall issue overall directives for the development of  
11 the state health plan.

12 (c) The department shall consult with the [~~Texas~~  
13 Department of Aging and Disability Services [~~Mental Health and~~  
14 ~~Mental Retardation~~], the commission [~~Texas Department of Human~~  
15 ~~Services~~], and other appropriate health-related state agencies  
16 designated by the governor before performing the duties and  
17 functions prescribed by state and federal law regarding the  
18 development of the state health plan.

19 SECTION 7. Subsections (a) and (b), Section 104.042, Health  
20 and Safety Code, are amended to read as follows:

21 (a) The executive commissioner [~~board~~] by rule shall  
22 establish reasonable procedures for the collection of data by the  
23 department from health care facilities and for the distribution of  
24 data necessary to facilitate and expedite proper and effective  
25 health planning and resource development.

26 (b) The executive commissioner [~~board~~] by rule shall  
27 specify the type of data required, the entities required to submit

1 the data, and the period during which the data must be submitted.

2 SECTION 8. Subsection (f), Section 104.0421, Health and  
3 Safety Code, is amended to read as follows:

4 (f) The department shall continue to assist the council and  
5 the health professions resource center with the development of the  
6 state health plan. The council shall coordinate related health  
7 planning functions within the department. The staff of the health  
8 professions resource center shall continue to be department  
9 employees but are governed by the council. [~~The staff of the Bureau  
10 of State Health Data and Policy Analysis that previously assisted  
11 the council shall continue to assist the council.~~]

12 SECTION 9. Subsections (a) and (c), Section 104.043, Health  
13 and Safety Code, are amended to read as follows:

14 (a) If the department does not receive necessary data from  
15 an entity as required by the executive commissioner's [~~board~~]  
16 rules, the department shall send to the entity a notice requiring  
17 the entity to submit the data not later than the 30th day after the  
18 date on which the entity receives the notice.

19 (c) At the request of the executive commissioner, the  
20 attorney general shall sue in the name of the state to recover the  
21 civil penalty.

22 SECTION 10. Section 105.005, Health and Safety Code, is  
23 amended to read as follows:

24 Sec. 105.005. RULES. The executive commissioner of the  
25 Health and Human Services Commission [~~board~~] may adopt rules to  
26 govern the reporting and collection of data.

27 SECTION 11. Section 311.033, Health and Safety Code, is

1 amended by adding Subsection (d) to read as follows:

2 (d) A hospital that does not submit to the department the  
3 data required under this section is subject to civil penalties  
4 under Section 104.043.

5 SECTION 12. Sections 104.003 and 104.041, Health and Safety  
6 Code, are repealed.

7 SECTION 13. This Act takes effect immediately if it  
8 receives a vote of two-thirds of all the members elected to each  
9 house, as provided by Section 39, Article III, Texas Constitution.  
10 If this Act does not receive the vote necessary for immediate  
11 effect, this Act takes effect September 1, 2009.

S.B. No. 1326

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1326 passed the Senate on April 30, 2009, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1326 passed the House on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor