

1-1 By: Nelson S.B. No. 1326
1-2 (In the Senate - Filed March 4, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 22, 2009, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the functions of the statewide health coordinating
1-9 council; providing civil penalties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 104.001, Health and
1-12 Safety Code, is amended to read as follows:

1-13 (a) The policy of this state and the purpose of this chapter
1-14 are to[+]

1-15 [~~(1)~~] ensure that health care services and facilities
1-16 are available to all citizens in an orderly and economical manner[+
1-17 and

1-18 [~~(2) meet the requirements of applicable federal law~~].

1-19 SECTION 2. Section 104.002, Health and Safety Code, is
1-20 amended to read as follows:

1-21 Sec. 104.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

1-22 (1) "Commission" means the Health and Human Services
1-23 Commission.

1-24 (2) "Commissioner" means the commissioner of the
1-25 Department of State Health Services.

1-26 (3) "Department" means the Department of State Health
1-27 Services.

1-28 (4) "Executive commissioner" means the executive
1-29 commissioner of the Health and Human Services Commission.

1-30 (5) "Health[, "health] care facility" means a public
1-31 or private hospital, skilled nursing facility, intermediate care
1-32 facility, ambulatory surgical center [~~facility~~], family planning
1-33 clinic that performs ambulatory surgical procedures, rural or urban
1-34 health initiative clinic, end stage renal disease facility [~~kidney~~
1-35 ~~disease treatment facility~~], and inpatient rehabilitation
1-36 facility[, and any other facility designated a health care facility
1-37 ~~by federal law~~]. The term does not include the office of physicians
1-38 or practitioners of the healing arts practicing individually or in
1-39 groups.

1-40 SECTION 3. Subsection (a), Section 104.011, Health and
1-41 Safety Code, is amended to read as follows:

1-42 (a) The statewide health coordinating council is composed
1-43 of 17 members determined as follows:

1-44 (1) the executive commissioner [~~of health and human~~
1-45 ~~services~~] or a representative designated by the executive
1-46 commissioner;

1-47 (2) the chair [~~presiding officer~~] of the Texas Higher
1-48 Education Coordinating Board or a representative designated by the
1-49 presiding officer;

1-50 (3) the commissioner [~~presiding officer of the~~
1-51 ~~department~~] or a representative designated by the commissioner
1-52 [~~presiding officer~~];

1-53 (4) the presiding officer of the [~~Texas~~] Department of
1-54 Aging and Disability Services [~~Mental Health and Mental~~
1-55 ~~Retardation~~] or a representative designated by the presiding
1-56 officer; and

1-57 (5) the following members appointed by the governor:

1-58 (A) three health care professionals from the
1-59 allied health, dental, medical, mental health, and pharmacy
1-60 professions, no two of whom may be from the same profession;

1-61 (B) one registered nurse;

1-62 (C) two representatives of a university or
1-63 health-related institution of higher education;

1-64 (D) one representative of a junior or community

2-1 college with a nursing program;

2-2 (E) one hospital administrator;

2-3 (F) one managed care administrator; and

2-4 (G) four public members.

2-5 SECTION 4. Section 104.015, Health and Safety Code, is
2-6 amended to read as follows:

2-7 Sec. 104.015. ADVISORY BOARDS AND AD HOC COMMITTEES. The
2-8 statewide health coordinating council may form advisory boards or
2-9 ad hoc committees composed of individuals [~~health care experts~~]
2-10 from the public and private sectors to review policy matters
2-11 related to the council's purpose.

2-12 SECTION 5. Subsection (a), Section 104.0155, Health and
2-13 Safety Code, is amended to read as follows:

2-14 (a) The statewide health coordinating council shall form a
2-15 nursing advisory committee the majority of the members of which
2-16 must be nurses. The committee:

2-17 (1) must include:

2-18 (A) members of associations that represent
2-19 nurses, educators of nurses, and employers of nurses;

2-20 (B) members who represent the Texas Board of
2-21 Nursing [~~nurse licensing boards~~]; and

2-22 (C) a nurse researcher; and

2-23 (2) may include other members who are health care
2-24 experts from the public or private sector, nurses, nurse educators,
2-25 employers of nurses, or consumers of nursing services.

2-26 SECTION 6. Subsections (b) and (c), Section 104.022, Health
2-27 and Safety Code, are amended to read as follows:

2-28 (b) The statewide health coordinating council, in
2-29 consultation with the commission [~~Health and Human Services~~
2-30 ~~Commission~~], shall issue overall directives for the development of
2-31 the state health plan.

2-32 (c) The department shall consult with the [~~Texas~~]
2-33 Department of Aging and Disability Services [~~Mental Health and~~
2-34 ~~Mental Retardation~~], the commission [~~Texas Department of Human~~
2-35 ~~Services~~], and other appropriate health-related state agencies
2-36 designated by the governor before performing the duties and
2-37 functions prescribed by state and federal law regarding the
2-38 development of the state health plan.

2-39 SECTION 7. Subsections (a) and (b), Section 104.042, Health
2-40 and Safety Code, are amended to read as follows:

2-41 (a) The executive commissioner [~~board~~] by rule shall
2-42 establish reasonable procedures for the collection of data by the
2-43 department from health care facilities and for the distribution of
2-44 data necessary to facilitate and expedite proper and effective
2-45 health planning and resource development.

2-46 (b) The executive commissioner [~~board~~] by rule shall
2-47 specify the type of data required, the entities required to submit
2-48 the data, and the period during which the data must be submitted.

2-49 SECTION 8. Subsection (f), Section 104.0421, Health and
2-50 Safety Code, is amended to read as follows:

2-51 (f) The department shall continue to assist the council and
2-52 the health professions resource center with the development of the
2-53 state health plan. The council shall coordinate related health
2-54 planning functions within the department. The staff of the health
2-55 professions resource center shall continue to be department
2-56 employees but are governed by the council. [~~The staff of the Bureau~~
2-57 ~~of State Health Data and Policy Analysis that previously assisted~~
2-58 ~~the council shall continue to assist the council.~~]

2-59 SECTION 9. Subsections (a) and (c), Section 104.043, Health
2-60 and Safety Code, are amended to read as follows:

2-61 (a) If the department does not receive necessary data from
2-62 an entity as required by the executive commissioner's [~~board~~]
2-63 rules, the department shall send to the entity a notice requiring
2-64 the entity to submit the data not later than the 30th day after the
2-65 date on which the entity receives the notice.

2-66 (c) At the request of the executive commissioner, the
2-67 attorney general shall sue in the name of the state to recover the
2-68 civil penalty.

2-69 SECTION 10. Section 105.005, Health and Safety Code, is

3-1 amended to read as follows:

3-2 Sec. 105.005. RULES. The executive commissioner of the
3-3 Health and Human Services Commission [~~board~~] may adopt rules to
3-4 govern the reporting and collection of data.

3-5 SECTION 11. Section 311.033, Health and Safety Code, is
3-6 amended by adding Subsection (d) to read as follows:

3-7 (d) A hospital that does not submit to the department the
3-8 data required under this section is subject to civil penalties
3-9 under Section 104.043.

3-10 SECTION 12. Sections 104.003 and 104.041, Health and Safety
3-11 Code, are repealed.

3-12 SECTION 13. This Act takes effect immediately if it
3-13 receives a vote of two-thirds of all the members elected to each
3-14 house, as provided by Section 39, Article III, Texas Constitution.
3-15 If this Act does not receive the vote necessary for immediate
3-16 effect, this Act takes effect September 1, 2009.

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