

By: Zerwas

H.B. No. 32

A BILL TO BE ENTITLED

1 AN ACT
2 relating to creation of a study committee for the Interstate Health
3 Care Compact.

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

5 SECTION 1. FINDINGS. (a) The legislature finds that the
6 Interstate Health Care Compact authorizes the legislature to
7 suspend the operation of federal laws, rules, regulations, and
8 orders regarding health care that are inconsistent with a state law
9 or regulation.

10 (b) By exercising the authority described by Subsection (a)
11 of this section, the state assumes primary responsibility to
12 regulate health care in this state.

13 (c) Alternatively, the legislature may suspend a federal
14 law, rule, regulation, or order relating to a limited area of health
15 care.

16 (d) By exercising the authority described by Subsection (c)
17 of this section, the state assumes primary responsibility to
18 regulate health care for only that limited area of health care.

19 (e) The first step toward implementation of the Interstate
20 Health Care Compact in this state is the creation of a study
21 committee to make recommendations to the governor and legislature
22 about the most efficient use of the authority provided by the
23 Interstate Health Care Compact.

24 SECTION 2. DEFINITIONS. In this Act:

1 (1) "Committee" means the Texas Health Care Compact
2 Advisory Committee.

3 (2) "Compact" means the Interstate Health Care
4 Compact.

5 (3) "Health care" means care, services, supplies, or
6 plans related to the health of an individual, including:

7 (A) preventive, diagnostic, therapeutic,
8 rehabilitative, maintenance, or palliative care, counseling,
9 service, assessment, or treatment related to the physical or mental
10 condition or function of an individual or the structure or function
11 of the body;

12 (B) the sale or dispensing of a drug, device,
13 equipment, or other item in accordance with a prescription; and

14 (C) provision or payment by an individual or
15 group health benefit plan of the cost of care, services, or supplies
16 related to the health of an individual. The term does not include
17 care, services, supplies, or plans provided by the United States
18 Department of Defense and United States Department of Veterans
19 Affairs, or provided to Native Americans.

20 SECTION 3. TEXAS HEALTH CARE COMPACT ADVISORY COMMITTEE.
21 The Texas Health Care Compact Advisory Committee is established to
22 make recommendations to the legislature and governor on the
23 implementation of the Interstate Health Care Compact in this state.

24 SECTION 4. MEMBERSHIP. (a) The committee is composed of
25 11 members, appointed as follows:

26 (1) five individuals experienced in the delivery of or
27 payment for health care services in this state appointed by the

1 governor;

2 (2) three members of the senate appointed by the
3 lieutenant governor; and

4 (3) three members of the house of representatives
5 appointed by the speaker of the house of representatives.

6 (b) The members of the committee must be individuals who
7 reflect the geographic diversity of this state.

8 (c) Each state agency involved in the delivery or regulation
9 of health care in this state may appoint one individual to serve on
10 the committee in a nonvoting capacity.

11 (d) The governor shall select the presiding officer of the
12 committee from the membership of the committee.

13 SECTION 5. POWERS AND DUTIES. (a) The committee shall:

14 (1) examine the state's capability to assume
15 regulatory authority over health care;

16 (2) recommend:

17 (A) the appropriate scope of authority and
18 responsibility for the state consistent with the state's capability
19 to assume regulatory authority over health care;

20 (B) an organizational structure to exercise
21 regulatory authority over health care;

22 (C) a timetable for implementation; and

23 (D) specific amendments to state laws and
24 regulations that are necessary to implement the committee's
25 recommendations under this subdivision; and

26 (3) estimate funding requirements to implement the
27 recommendations.

1 (b) The committee shall hold public hearings on the state's
2 capability to assume regulatory authority over health care.

3 (c) The committee may adopt rules necessary to conduct
4 business under and implement this Act.

5 SECTION 6. SUPPORT. (a) The committee may request
6 assistance from any state executive or legislative governmental
7 entity.

8 (b) The committee may solicit and accept gifts and grants
9 for the support of the committee's activities.

10 (c) The legislature may appropriate funds for the support of
11 the committee's activities.

12 (d) The committee may employ staff.

13 SECTION 7. REPORT. Not later than December 1, 2012, the
14 committee shall report to the governor and the legislature the
15 recommendations made under Section 5 of this Act.

16 SECTION 8. EXPIRATION. This Act expires August 31, 2013.

17 SECTION 9. EFFECTIVE DATE. This Act takes effect on the
18 91st day after the last day of the legislative session, but only if
19 Senate Bill 5 or another bill of the 82nd Legislature, First Called
20 Session, 2011, enacting the Interstate Health Care Compact becomes
21 law. If that bill does not become law, this Act has no effect.