

BILL ANALYSIS

H.B. 273
By: Zerwas
State Sovereignty, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the current economic climate, the State of Texas is encountering difficulties paying for and administering the Medicaid program and other state health care priorities. Texas also is one of the states challenging the constitutionality of the federal Patient Protection and Affordable Care Act in court. Considering these factors, observers contend that Texas needs to use all legal tools available to the state to protect the health care interests of the people of Texas.

There is a growing body of research around interstate compacts and their potential uses in the public policy arena. Observers note that interstate compacts are a way to move control from the federal government to the states, but interstate compacts can only do so with the approval of the United States Congress. The United States Constitution addresses the use of interstate compacts directly in the compact clause and, according to some interested parties, the Supreme Court, over time, has interpreted this clause more broadly than its plain reading. It is reported that states are free to form compacts without congressional approval as long as the compacts do not infringe upon the supremacy of Congress.

H.B. 273 establishes a study committee contingent on passage of the Interstate Health Care Compact by the Texas Legislature and the compact's approval by the United States Congress.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Health Care Compact Advisory Committee in SECTION 5 of this bill.

ANALYSIS

H.B. 273 adds a temporary provision, set to expire August 31, 2013, establishing the Texas Health Care Compact Advisory Committee to make recommendations to the legislature and governor on the implementation of the Interstate Health Care Compact in Texas. The bill sets out the committee's composition and requires the governor to select the presiding officer of the committee from the committee membership. The bill requires the committee to examine the state's capability to assume regulatory authority over health care and to recommend the appropriate scope of authority and responsibility for the state consistent with the state's capability to assume regulatory authority over health care, an organizational structure to exercise regulatory authority over health care, a timetable for implementation, and specific amendments to state laws and regulations that are necessary to implement the committee's recommendations. The bill requires the committee to estimate funding requirements to implement the committee's recommendations.

H.B. 273 requires the committee to hold public hearings on the state's capability to assume regulatory authority over health care and authorizes the committee to adopt rules necessary to conduct business under and implement the bill's provisions. The bill authorizes the committee to request assistance from any state executive or legislative governmental entity, solicit and accept gifts and grants for the support of the committee's activities, and employ staff. The bill

authorizes the legislature to appropriate funds for the support of the committee's activities. The bill requires the committee to report its recommendations to the governor and the legislature not later than December 1, 2012. The bill makes application of the bill's provisions contingent on passage of S.B. 25 or another bill of the 82nd Legislature, Regular Session, 2011, enacting the Interstate Health Care Compact. The bill defines "committee," "compact," and "health care" for purposes of its provisions and sets out legislative findings relating to the Interstate Health Care Compact.

EFFECTIVE DATE

September 1, 2011, if S.B. 25 or another bill of the 82nd Legislature, Regular Session, 2011, enacting the Interstate Health Care Compact becomes law.