

By: Zerwas, Kolkhorst, et al.

H.B. No. 273

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 15
25 members, appointed as follows:

26 (1) five members appointed by the governor;

27 (2) five members appointed by the lieutenant governor;

1 and

2 (3) five members appointed by the speaker of the house
3 of representatives.

4 (b) The governor shall select the presiding officer of the
5 committee from the membership of the committee.

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

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

9 (2) recommend:

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

13 (B) an organizational structure to exercise
14 regulatory authority over health care;

15 (C) a timetable for implementation; and

16 (D) specific amendments to state laws and
17 regulations that are necessary to implement the committee's
18 recommendations under this subdivision; and

19 (3) estimate funding requirements to implement the
20 recommendations.

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

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

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

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

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

5 (d) The committee may employ staff.

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

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

10 SECTION 9. EFFECTIVE DATE. This Act takes effect September
11 1, 2011, but only if Senate Bill 25 or another bill of the 82nd
12 Legislature, Regular Session, 2011, enacting the Interstate Health
13 Care Compact becomes law. If that bill does not become law, this Act
14 has no effect.