

1-1 By: Zerwas, Kolkhorst, et al. H.B. No. 273
1-2 (Senate Sponsor - Patrick)
1-3 (In the Senate - Received from the House April 28, 2011;
1-4 April 28, 2011, read first time and referred to Committee on Health
1-5 and Human Services; May 13, 2011, reported adversely, with
1-6 favorable Committee Substitute by the following vote: Yeas 5,
1-7 Nays 2; May 13, 2011, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 273 By: Patrick

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to creation of a study committee for the Interstate Health
1-12 Care Compact.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. FINDINGS. (a) The legislature finds that the
1-15 Interstate Health Care Compact authorizes the legislature to
1-16 suspend the operation of federal laws, rules, regulations, and
1-17 orders regarding health care that are inconsistent with a state law
1-18 or regulation.

1-19 (b) By exercising the authority described by Subsection (a)
1-20 of this section, the state assumes primary responsibility to
1-21 regulate health care in this state.

1-22 (c) Alternatively, the legislature may suspend a federal
1-23 law, rule, regulation, or order relating to a limited area of health
1-24 care.

1-25 (d) By exercising the authority described by Subsection (c)
1-26 of this section, the state assumes primary responsibility to
1-27 regulate health care for only that limited area of health care.

1-28 (e) The first step toward implementation of the Interstate
1-29 Health Care Compact in this state is the creation of a study
1-30 committee to make recommendations to the governor and legislature
1-31 about the most efficient use of the authority provided by the
1-32 Interstate Health Care Compact.

1-33 SECTION 2. DEFINITIONS. In this Act:

1-34 (1) "Committee" means the Texas Health Care Compact
1-35 Advisory Committee.

1-36 (2) "Compact" means the Interstate Health Care
1-37 Compact.

1-38 (3) "Health care" means care, services, supplies, or
1-39 plans related to the health of an individual, including:

1-40 (A) preventive, diagnostic, therapeutic,
1-41 rehabilitative, maintenance, or palliative care, counseling,
1-42 service, assessment, or treatment related to the physical or mental
1-43 condition or function of an individual or the structure or function
1-44 of the body;

1-45 (B) the sale or dispensing of a drug, device,
1-46 equipment, or other item in accordance with a prescription; and

1-47 (C) provision or payment by an individual or
1-48 group health benefit plan of the cost of care, services, or supplies
1-49 related to the health of an individual. The term does not include
1-50 care, services, supplies, or plans provided by the United States
1-51 Department of Defense and United States Department of Veterans
1-52 Affairs, or provided to Native Americans.

1-53 SECTION 3. TEXAS HEALTH CARE COMPACT ADVISORY COMMITTEE.
1-54 The Texas Health Care Compact Advisory Committee is established to
1-55 make recommendations to the legislature and governor on the
1-56 implementation of the Interstate Health Care Compact in this state.

1-57 SECTION 4. MEMBERSHIP. (a) The committee is composed of 11
1-58 members, appointed as follows:

1-59 (1) five individuals experienced in the delivery of or
1-60 payment for health care services in this state appointed by the
1-61 governor;

1-62 (2) three members of the senate appointed by the
1-63 lieutenant governor; and

2-1 (3) three members of the house of representatives
2-2 appointed by the speaker of the house of representatives.

2-3 (b) The members of the committee must be individuals who
2-4 reflect the geographic diversity of this state.

2-5 (c) Each state agency involved in the delivery or regulation
2-6 of health care in this state may appoint one individual to serve on
2-7 the committee in a nonvoting capacity.

2-8 (d) The governor shall select the presiding officer of the
2-9 committee from the membership of the committee.

2-10 SECTION 5. POWERS AND DUTIES. (a) The committee shall:

2-11 (1) examine the state's capability to assume
2-12 regulatory authority over health care;

2-13 (2) recommend:

2-14 (A) the appropriate scope of authority and
2-15 responsibility for the state consistent with the state's capability
2-16 to assume regulatory authority over health care;

2-17 (B) an organizational structure to exercise
2-18 regulatory authority over health care;

2-19 (C) a timetable for implementation; and

2-20 (D) specific amendments to state laws and
2-21 regulations that are necessary to implement the committee's
2-22 recommendations under this subdivision; and

2-23 (3) estimate funding requirements to implement the
2-24 recommendations.

2-25 (b) The committee shall hold public hearings on the state's
2-26 capability to assume regulatory authority over health care.

2-27 (c) The committee may adopt rules necessary to conduct
2-28 business under and implement this Act.

2-29 SECTION 6. SUPPORT. (a) The committee may request
2-30 assistance from any state executive or legislative governmental
2-31 entity.

2-32 (b) The committee may solicit and accept gifts and grants
2-33 for the support of the committee's activities.

2-34 (c) The legislature may appropriate funds for the support of
2-35 the committee's activities.

2-36 (d) The committee may employ staff.

2-37 SECTION 7. REPORT. Not later than December 1, 2012, the
2-38 committee shall report to the governor and the legislature the
2-39 recommendations made under Section 5 of this Act.

2-40 SECTION 8. EXPIRATION. This Act expires August 31, 2013.

2-41 SECTION 9. EFFECTIVE DATE. This Act takes effect September
2-42 1, 2011, but only if Senate Bill 25 or another bill of the 82nd
2-43 Legislature, Regular Session, 2011, enacting the Interstate Health
2-44 Care Compact becomes law. If that bill does not become law, this Act
2-45 has no effect.

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