

By: Kolkhorst

H.B. No. 1875

Substitute the following for H.B. No. 1875:

By: Callegari

C.S.H.B. No. 1875

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the repeal of certain health programs, task forces, and
3 councils, to the review of certain health programs, councils,
4 centers, and divisions under the Texas Sunset Act, and to the
5 transfer of certain functions to the Department of State Health
6 Services; providing penalties.

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

8 SECTION 1. Section 531.021(b), Government Code, is amended
9 to read as follows:

10 (b) The commission shall:

11 (1) plan and direct the Medicaid program in each
12 agency that operates a portion of the Medicaid program, including
13 the management of the Medicaid managed care system and the
14 development, procurement, management, and monitoring of contracts
15 necessary to implement the Medicaid managed care system;

16 (2) adopt reasonable rules and standards governing the
17 determination of fees, charges, and rates for medical assistance
18 payments under Chapter 32, Human Resources Code, in consultation
19 with the agencies that operate the Medicaid program; and

20 (3) establish requirements for and define the scope of
21 the ongoing evaluation of the Medicaid managed care system
22 [~~conducted in conjunction with the Texas Health Care Information~~
23 ~~Council under Section 108.0065, Health and Safety Code~~].

24 SECTION 2. Section 531.0214(b), Government Code, is amended

1 to read as follows:

2 (b) To minimize cost and duplication of activities, the
3 commission shall assist and coordinate:

4 (1) the efforts of the agencies that are participating
5 in the development of the system required by Subsection (a); and

6 (2) the efforts of those agencies with the efforts of
7 other agencies involved in a [~~statewide~~] health care data
8 collection system used by the Department of State Health Services
9 [~~provided for by Section 108.006, Health and Safety Code~~],
10 including avoiding duplication of expenditure of state funds for
11 computer hardware, staff, or services.

12 SECTION 3. Section 2054.0541, Government Code, is amended
13 to read as follows:

14 Sec. 2054.0541. STATEWIDE HEALTH CARE DATA COLLECTION
15 SYSTEM. The department shall assist [~~the Texas Health Care~~
16 ~~Information Council and~~] the [~~Texas~~] Department of State Health
17 Services with planning, analyses, and management functions
18 relating to the procurement, use, and implementation of a
19 [~~statewide~~] health care data collection system used by the
20 Department of State Health Services [~~under Chapter 108, Health and~~
21 ~~Safety Code~~].

22 SECTION 4. Chapter 35, Health and Safety Code, is amended by
23 adding Section 35.014 to read as follows:

24 Sec. 35.014. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
25 services program for children with special health care needs is
26 subject to review under Chapter 325, Government Code (Texas Sunset
27 Act), as if it were a state agency subject to review under that

1 chapter. If the program is not continued in existence in accordance
2 with that chapter, the program is abolished and this chapter
3 expires September 1, 2019.

4 (b) To the extent that Chapter 325, Government Code (Texas
5 Sunset Act), places a duty on a state agency subject to review under
6 that chapter, the department shall perform the duty as it relates to
7 the program.

8 SECTION 5. Chapter 36, Health and Safety Code, is amended by
9 adding Section 36.015 to read as follows:

10 Sec. 36.015. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
11 screening program for special senses and communication disorders
12 established under this chapter is subject to review under Chapter
13 325, Government Code (Texas Sunset Act), as if it were a state
14 agency subject to review under that chapter. If the program is not
15 continued in existence in accordance with that chapter, the program
16 is abolished and this chapter expires September 1, 2019.

17 (b) To the extent that Chapter 325, Government Code (Texas
18 Sunset Act), places a duty on a state agency subject to review under
19 that chapter, the department shall perform the duty as it relates to
20 the program.

21 SECTION 6. Chapter 37, Health and Safety Code, is amended by
22 adding Section 37.007 to read as follows:

23 Sec. 37.007. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
24 program to detect abnormal spinal curvature in children established
25 under this chapter is subject to review under Chapter 325,
26 Government Code (Texas Sunset Act), as if it were a state agency
27 subject to review under that chapter. If the program is not

1 continued in existence in accordance with that chapter, the program
2 is abolished and this chapter expires September 1, 2019.

3 (b) To the extent that Chapter 325, Government Code (Texas
4 Sunset Act), places a duty on a state agency subject to review under
5 that chapter, the department shall perform the duty as it relates to
6 the program.

7 SECTION 7. Chapter 38, Health and Safety Code, is amended by
8 adding Section 38.003 to read as follows:

9 Sec. 38.003. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
10 program for the control and eradication of pediculosis in minors
11 established under this chapter is subject to review under Chapter
12 325, Government Code (Texas Sunset Act), as if it were a state
13 agency subject to review under that chapter. If the program is not
14 continued in existence in accordance with that chapter, the program
15 is abolished and this chapter expires September 1, 2019.

16 (b) To the extent that Chapter 325, Government Code (Texas
17 Sunset Act), places a duty on a state agency subject to review under
18 that chapter, the department shall perform the duty as it relates to
19 the program.

20 SECTION 8. Chapter 39, Health and Safety Code, is amended by
21 adding Section 39.007 to read as follows:

22 Sec. 39.007. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
23 children's outreach heart program is subject to review under
24 Chapter 325, Government Code (Texas Sunset Act), as if it were a
25 state agency subject to review under that chapter. If the program
26 is not continued in existence in accordance with that chapter, the
27 program is abolished and this chapter expires September 1, 2019.

1 (b) To the extent that Chapter 325, Government Code (Texas
2 Sunset Act), places a duty on a state agency subject to review under
3 that chapter, the department shall perform the duty as it relates to
4 the program.

5 SECTION 9. Chapter 40, Health and Safety Code, is amended by
6 adding Section 40.008 to read as follows:

7 Sec. 40.008. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
8 epilepsy program established under this chapter is subject to
9 review under Chapter 325, Government Code (Texas Sunset Act), as if
10 it were a state agency subject to review under that chapter. If the
11 program is not continued in existence in accordance with that
12 chapter, the program is abolished and this chapter expires
13 September 1, 2019.

14 (b) To the extent that Chapter 325, Government Code (Texas
15 Sunset Act), places a duty on a state agency subject to review under
16 that chapter, the department shall perform the duty as it relates to
17 the program.

18 SECTION 10. Chapter 41, Health and Safety Code, is amended
19 by adding Section 41.008 to read as follows:

20 Sec. 41.008. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
21 hemophilia assistance program is subject to review under Chapter
22 325, Government Code (Texas Sunset Act), as if it were a state
23 agency subject to review under that chapter. If the program is not
24 continued in existence in accordance with that chapter, the program
25 is abolished and this chapter expires September 1, 2019.

26 (b) To the extent that Chapter 325, Government Code (Texas
27 Sunset Act), places a duty on a state agency subject to review under

1 that chapter, the department shall perform the duty as it relates to
2 the program.

3 SECTION 11. Chapter 42, Health and Safety Code, is amended
4 by adding Section 42.019 to read as follows:

5 Sec. 42.019. SUNSET PROVISION. The kidney health care
6 division is subject to Chapter 325, Government Code (Texas Sunset
7 Act). Unless continued in existence as provided by that chapter,
8 the division is abolished and this chapter expires September 1,
9 2019.

10 SECTION 12. Chapter 43, Health and Safety Code, is amended
11 by adding Section 43.015 to read as follows:

12 Sec. 43.015. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
13 oral health improvement services program is subject to review under
14 Chapter 325, Government Code (Texas Sunset Act), as if it were a
15 state agency subject to review under that chapter. If the program
16 is not continued in existence in accordance with that chapter, the
17 program is abolished and this chapter expires September 1, 2019.

18 (b) To the extent that Chapter 325, Government Code (Texas
19 Sunset Act), places a duty on a state agency subject to review under
20 that chapter, the department shall perform the duty as it relates to
21 the program.

22 SECTION 13. Chapter 46, Health and Safety Code, is amended
23 by adding Section 46.008 to read as follows:

24 Sec. 46.008. APPLICATION OF SUNSET ACT TO SYSTEM. (a) The
25 system created by Section 46.002(a) is subject to review under
26 Chapter 325, Government Code (Texas Sunset Act), as if it were a
27 state agency subject to review under that chapter. If the system is

1 not continued in existence in accordance with that chapter, the
2 system is abolished and this chapter expires September 1, 2019.

3 (b) To the extent that Chapter 325, Government Code (Texas
4 Sunset Act), places a duty on a state agency subject to review under
5 that chapter, the department shall perform the duty as it relates to
6 the system.

7 SECTION 14. Chapter 47, Health and Safety Code, is amended
8 by adding Section 47.010 to read as follows:

9 Sec. 47.010. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
10 newborn hearing screening, tracking, and intervention program is
11 subject to review under Chapter 325, Government Code (Texas Sunset
12 Act), as if it were a state agency subject to review under that
13 chapter. If the program is not continued in existence in accordance
14 with that chapter, the program is abolished and this chapter
15 expires September 1, 2019.

16 (b) To the extent that Chapter 325, Government Code (Texas
17 Sunset Act), places a duty on a state agency subject to review under
18 that chapter, the department shall perform the duty as it relates to
19 the program.

20 SECTION 15. Section 81.010, Health and Safety Code, is
21 amended by adding Subsection (1) to read as follows:

22 (1) The Interagency Coordinating Council for HIV and
23 Hepatitis is subject to Chapter 325, Government Code (Texas Sunset
24 Act). Unless continued in existence as provided by that chapter,
25 the council is abolished and this section expires September 1,
26 2019.

27 SECTION 16. Chapter 83, Health and Safety Code, is amended

1 by adding Section 83.0085 to read as follows:

2 Sec. 83.0085. APPLICATION OF SUNSET ACT TO PROGRAM. (a)
3 The program created by Section 83.008 is subject to review under
4 Chapter 325, Government Code (Texas Sunset Act), as if it were a
5 state agency subject to review under that chapter. If the program
6 is not continued in existence in accordance with that chapter, the
7 program is abolished and this chapter expires September 1, 2019.

8 (b) To the extent that Chapter 325, Government Code (Texas
9 Sunset Act), places a duty on a state agency subject to review under
10 that chapter, the department shall perform the duty as it relates to
11 the program.

12 SECTION 17. Subchapter B, Chapter 85, Health and Safety
13 Code, is amended by adding Section 85.045 to read as follows:

14 Sec. 85.045. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
15 state grant program established under this subchapter is subject to
16 review under Chapter 325, Government Code (Texas Sunset Act), as if
17 it were a state agency subject to review under that chapter. If the
18 program is not continued in existence in accordance with that
19 chapter, the program is abolished and this subchapter expires
20 September 1, 2019.

21 (b) To the extent that Chapter 325, Government Code (Texas
22 Sunset Act), places a duty on a state agency subject to review under
23 that chapter, the department shall perform the duty as it relates to
24 the program.

25 SECTION 18. Subchapter C, Chapter 85, Health and Safety
26 Code, is amended by adding Section 85.067 to read as follows:

27 Sec. 85.067. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The

1 Texas HIV medication program is subject to review under Chapter
2 325, Government Code (Texas Sunset Act), as if it were a state
3 agency subject to review under that chapter. If the program is not
4 continued in existence in accordance with that chapter, the program
5 is abolished and this subchapter expires September 1, 2019.

6 (b) To the extent that Chapter 325, Government Code (Texas
7 Sunset Act), places a duty on a state agency subject to review under
8 that chapter, the department shall perform the duty as it relates to
9 the program.

10 SECTION 19. Subchapter D, Chapter 85, Health and Safety
11 Code, is amended by adding Section 85.090 to read as follows:

12 Sec. 85.090. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
13 testing, registration, and counseling programs established under
14 this subchapter are subject to review under Chapter 325, Government
15 Code (Texas Sunset Act), as if they were a state agency subject to
16 review under that chapter. If the programs are not continued in
17 existence in accordance with that chapter, the programs are
18 abolished and this subchapter expires September 1, 2019.

19 (b) To the extent that Chapter 325, Government Code (Texas
20 Sunset Act), places a duty on a state agency subject to review under
21 that chapter, the department shall perform the duty as it relates to
22 the programs.

23 SECTION 20. Subchapter A, Chapter 86, Health and Safety
24 Code, is amended by adding Section 86.006 to read as follows:

25 Sec. 86.006. SUNSET PROVISION. The advisory council is
26 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
27 continued in existence as provided by that chapter, the council is

1 abolished and this subchapter expires September 1, 2019.

2 SECTION 21. Section 86.012, Health and Safety Code, is
3 amended by adding Subsection (c) to read as follows:

4 (c) The advisory committee is subject to Chapter 325,
5 Government Code (Texas Sunset Act). Unless continued in existence
6 as provided by that chapter, the committee is abolished and this
7 section expires September 1, 2019.

8 SECTION 22. Section 86.103, Health and Safety Code, is
9 amended by adding Subsection (c) to read as follows:

10 (c) The advisory council is subject to Chapter 325,
11 Government Code (Texas Sunset Act). Unless continued in existence
12 as provided by that chapter, the council is abolished and this
13 section expires September 1, 2019.

14 SECTION 23. Chapter 90, Health and Safety Code, is amended
15 by adding Section 90.004 to read as follows:

16 Sec. 90.004. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
17 osteoporosis program created by Section 90.002 is subject to review
18 under Chapter 325, Government Code (Texas Sunset Act), as if it were
19 a state agency subject to review under that chapter. If the program
20 is not continued in existence in accordance with that chapter, the
21 program is abolished and this chapter expires September 1, 2019.

22 (b) To the extent that Chapter 325, Government Code (Texas
23 Sunset Act), places a duty on a state agency subject to review under
24 that chapter, the department shall perform the duty as it relates to
25 the program.

26 SECTION 24. Chapter 91, Health and Safety Code, is amended
27 by adding Section 91.004 to read as follows:

1 Sec. 91.004. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
2 program created by Section 91.002 is subject to review under
3 Chapter 325, Government Code (Texas Sunset Act), as if it were a
4 state agency subject to review under that chapter. If the program
5 is not continued in existence in accordance with that chapter, the
6 program is abolished and this chapter expires September 1, 2019.

7 (b) To the extent that Chapter 325, Government Code (Texas
8 Sunset Act), places a duty on a state agency subject to review under
9 that chapter, the department shall perform the duty as it relates to
10 the program.

11 SECTION 25. Subchapter A, Chapter 93, Health and Safety
12 Code, is amended by adding Section 93.015 to read as follows:

13 Sec. 93.015. SUNSET PROVISION. The Council on
14 Cardiovascular Disease and Stroke is subject to Chapter 325,
15 Government Code (Texas Sunset Act). Unless continued in existence
16 as provided by that chapter, the council is abolished and this
17 chapter expires September 1, 2019.

18 SECTION 26. Chapter 97, Health and Safety Code, is amended
19 by adding Section 97.008 to read as follows:

20 Sec. 97.008. APPLICATION OF SUNSET ACT TO PROGRAM. (a) The
21 arthritis control and prevention program is subject to review under
22 Chapter 325, Government Code (Texas Sunset Act), as if it were a
23 state agency subject to review under that chapter. If the program
24 is not continued in existence in accordance with that chapter, the
25 program is abolished and this chapter expires September 1, 2019.

26 (b) To the extent that Chapter 325, Government Code (Texas
27 Sunset Act), places a duty on a state agency subject to review under

1 that chapter, the department shall perform the duty as it relates to
2 the program.

3 SECTION 27. Subchapter A, Chapter 98, Health and Safety
4 Code, as added by Chapter 359 (S.B. 288), Acts of the 80th
5 Legislature, Regular Session, 2007, is amended by adding Section
6 98.003 to read as follows:

7 Sec. 98.003. SUNSET PROVISION. The Advisory Panel on
8 Health Care-Associated Infections and Preventable Adverse Events
9 is subject to Chapter 325, Government Code (Texas Sunset Act).
10 Unless continued in existence as provided by that chapter, the
11 advisory panel is abolished and this chapter expires September 1,
12 2019.

13 SECTION 28. Chapter 101, Health and Safety Code, is amended
14 by adding Section 101.011 to read as follows:

15 Sec. 101.011. SUNSET PROVISION. The Texas Council on
16 Alzheimer's Disease and Related Disorders is subject to Chapter
17 325, Government Code (Texas Sunset Act). Unless continued in
18 existence as provided by that chapter, the council is abolished and
19 this chapter expires September 1, 2019.

20 SECTION 29. Chapter 103, Health and Safety Code, is amended
21 by adding Section 103.020 to read as follows:

22 Sec. 103.020. SUNSET PROVISION. The Texas Diabetes Council
23 is subject to Chapter 325, Government Code (Texas Sunset Act).
24 Unless continued in existence as provided by that chapter, the
25 council is abolished and this chapter expires September 1, 2019.

26 SECTION 30. Section 105.001(2), Health and Safety Code, is
27 amended to read as follows:

1 (2) "Department" [~~"Council"~~] means the Department of
2 State Health Services [~~statewide health coordinating council~~].

3 SECTION 31. Section 105.002, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 105.002. ESTABLISHMENT OF CENTER. (a) In conjunction
6 with the Texas Higher Education Coordinating Board and in such a way
7 as to avoid duplication of effort, the department [~~council~~] shall
8 establish a comprehensive health professions resource center for
9 the collection and analysis of educational and employment trends
10 for health professions in this state.

11 (b) To [~~In conjunction with the committee formed under~~
12 ~~Section 104.0155, to avoid duplication of effort, and to~~] the
13 extent funding is available through fees collected under Section
14 301.155(c), Occupations Code, the department [~~council~~] shall
15 establish a nursing resource section within the center for the
16 collection and analysis of educational and employment trends for
17 nurses in this state.

18 (c) If the nursing resource section established under
19 Subsection (b) is funded from surcharges collected under Section
20 301.155(c), Occupations Code, the department [~~council~~] shall
21 provide the Texas Board of Nursing with an annual accounting of the
22 money received from the board. The department [~~council~~] may expend
23 a reasonable amount of the money to pay administrative costs of
24 maintaining the nursing resource section.

25 SECTION 32. Sections 105.003(a), (b), (c), (c-1), (d), (f),
26 and (g), Health and Safety Code, are amended to read as follows:

27 (a) The department [~~council~~] shall place a high priority on

1 collecting and disseminating data on health professions
2 demonstrating an acute shortage in this state, including:

- 3 (1) data concerning nursing personnel; and
- 4 (2) data concerning the health professions in which
5 shortages occur in rural areas.

6 (b) To the extent possible, the department [~~council~~] may
7 collect the data from existing sources that the department
8 [~~council~~] determines are credible. The department [~~council~~] may
9 enter agreements with those sources that establish guidelines
10 concerning the identification, acquisition, transfer, and
11 confidentiality of the data.

12 (c) The Department of Information Resources, through
13 TexasOnline and in consultation with the department [~~council~~] and
14 the Health Professions Council, shall add and label as "mandatory"
15 the following fields on an application or renewal form for a
16 license, certificate, or registration for a person subject to
17 Subsection (c-2):

- 18 (1) full name and last four digits of social security
19 number;
- 20 (2) full mailing address; and
- 21 (3) educational background and training, including
22 basic health professions degree, school name and location of basic
23 health professions degree, and graduation year for basic health
24 professions degree, and, as applicable, highest professional
25 degree obtained, related professional school name and location, and
26 related graduation year.

27 (c-1) The Department of Information Resources, through

1 TexasOnline and in consultation with the department [~~council~~] and
2 the Health Professions Council, shall add the following fields on
3 an application or renewal form for a license, certificate, or
4 registration for a person subject to Subsection (c-2):

- 5 (1) date and place of birth;
- 6 (2) sex;
- 7 (3) race and ethnicity;
- 8 (4) location of high school;
- 9 (5) mailing address of primary practice;
- 10 (6) number of hours per week spent at primary practice
11 location;
- 12 (7) description of primary practice setting;
- 13 (8) primary practice information, including primary
14 specialty practice, practice location zip code, and county; and
- 15 (9) information regarding any additional practice,
16 including description of practice setting, practice location zip
17 code, and county.

18 (d) To the extent feasible, the department [~~council~~] shall
19 use a researcher with a doctorate in nursing to collect, analyze,
20 and disseminate nursing data that may be used to predict supply and
21 demand for nursing personnel in this state using appropriate
22 federal or state supply-and-demand models. The nursing data must
23 at least:

24 (1) include demographics, areas of practice, supply,
25 demand, and migration; and

26 (2) be analyzed to identify trends relating to numbers
27 and geographical distribution, practice setting, and area of

1 practice and, to the extent possible, compare those trends with
2 corresponding national trends.

3 (f) The relevant members of the Health Professions Council,
4 in conjunction with the Department of Information Resources, shall
5 ensure that the information collected under Subsections (c) and
6 (c-1) is transmitted to the department [~~statewide health~~
7 ~~coordinating council~~]. The department [~~council~~] shall store the
8 information as needed and conduct related workforce studies,
9 including a determination of the geographical distribution of the
10 reporting professionals.

11 (g) The relevant members of the Health Professions Council,
12 in conjunction with the Department of Information Resources, shall
13 ensure that the following information is submitted to the
14 department [~~statewide health coordinating council~~] for a person
15 subject to Subsection (c-2):

- 16 (1) certification, registration, or license number;
17 (2) issuance date;
18 (3) method of certification, registration, or
19 licensure; and
20 (4) certification, registration, or licensure status.

21 SECTION 33. Section 105.004, Health and Safety Code, is
22 amended to read as follows:

23 Sec. 105.004. REPORTS. (a) The department [~~council~~] may
24 use the data collected and analyzed under this chapter to publish
25 reports regarding:

- 26 (1) the educational and employment trends for health
27 professions;

- 1 (2) the supply and demand of health professions; and
2 (3) other issues, as necessary, concerning health
3 professions in this state.

4 (b) The department [~~council~~] shall publish reports
5 regarding the data collected and analyzed under this chapter
6 related to:

7 (1) the educational and employment trends of nursing
8 professionals;

9 (2) the supply and demand of nursing professionals;
10 and

11 (3) other issues, as determined necessary by the
12 department [~~council~~], concerning nursing professionals in this
13 state.

14 SECTION 34. Section 105.007, Health and Safety Code, is
15 amended to read as follows:

16 Sec. 105.007. CLEARINGHOUSE. (a) As part of the
17 comprehensive health professions resource center, the department
18 [~~council~~] shall develop and establish a clearinghouse for health
19 professionals seeking collaborative practice.

20 (b) The department [~~council~~] may:

21 (1) set and collect a reasonable fee to offset the cost
22 of complying with this section;

23 (2) solicit, receive, and spend grants, gifts, and
24 donations from public and private sources to comply with this
25 section; and

26 (3) contract with public or private entities in the
27 performance of the department's [~~its~~] responsibilities under this

1 section.

2 SECTION 35. Sections 105.008(e) and (h), Health and Safety
3 Code, are amended to read as follows:

4 (e) The nursing resource section shall contract with an
5 independent researcher to develop the research design and conduct
6 the research. The independent researcher must be selected by a
7 selection committee composed of:

8 (1) ~~one representative elected by a majority of the~~
9 ~~nursing advisory committee under Section 104.0155, who is the chair~~
10 ~~of the selection committee,~~

11 ~~(2)~~ one representative designated by the Texas
12 Health Care Policy Council;

13 (2) ~~(3)~~ the presiding officer of the Texas Board of
14 Nursing;

15 (3) ~~(4)~~ one representative of the Texas Higher
16 Education Coordinating Board, designated by the governor;

17 (4) ~~(5)~~ one representative designated by the Texas
18 Hospital Association;

19 (5) ~~(6)~~ one representative designated by the Texas
20 Association of Business; and

21 (6) ~~(7)~~ one representative designated by a clinical
22 competency assessment program that meets the requirements of
23 Section 301.157(d-8), Occupations Code~~, and~~

24 ~~(8) the nurse researcher member of the nursing~~
25 ~~advisory committee under Section 104.0155].~~

26 (h) The executive commissioner of the Health and Human
27 Services Commission ~~[nursing advisory committee formed under~~

1 ~~Section 104.0155]~~ shall oversee [~~serve as the oversight committee~~
2 ~~for]~~ the study.

3 SECTION 36. Chapter 105, Health and Safety Code, is amended
4 by adding Section 105.009 to read as follows:

5 Sec. 105.009. APPLICATION OF SUNSET ACT TO CENTER. (a) The
6 comprehensive health professions resource center created by
7 Section 105.002 is subject to review under Chapter 325, Government
8 Code (Texas Sunset Act), as if it were a state agency subject to
9 review under that chapter. If the center is not continued in
10 existence in accordance with that chapter, the center is abolished
11 and this chapter expires September 1, 2019.

12 (b) To the extent that Chapter 325, Government Code (Texas
13 Sunset Act), places a duty on a state agency subject to review under
14 that chapter, the department shall perform the duty as it relates to
15 the center.

16 SECTION 37. Chapter 107, Health and Safety Code, is amended
17 by adding Section 107.010 to read as follows:

18 Sec. 107.010. SUNSET PROVISION. The health disparities
19 task force is subject to Chapter 325, Government Code (Texas Sunset
20 Act). Unless continued in existence as provided by that chapter,
21 the task force is abolished and this chapter expires September 1,
22 2019.

23 SECTION 38. Chapter 112, Health and Safety Code, is amended
24 by adding Section 112.015 to read as follows:

25 Sec. 112.015. SUNSET PROVISION. The Border Health
26 Foundation is subject to Chapter 325, Government Code (Texas Sunset
27 Act). Unless continued in existence as provided by that chapter,

1 the foundation is abolished and this chapter expires September 1,
2 2019.

3 SECTION 39. Section 113.002, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 113.002. SUNSET PROVISION; ABOLISHMENT. The Texas
6 Organ, Tissue, and Eye Donor Council is subject to Chapter 325,
7 Government Code (Texas Sunset Act). Unless continued in existence
8 as provided by that chapter, the council is abolished and this
9 chapter expires September 1, 2019 [~~2017~~], unless the department and
10 the council mutually determine that the public interest is best
11 served by abolition of the council and agree to abolish the council
12 on an earlier date.

13 SECTION 40. The heading to Chapter 114, Health and Safety
14 Code, is amended to read as follows:

15 CHAPTER 114. [~~INTERAGENCY~~] OBESITY COORDINATION EFFORT [~~COUNCIL~~]

16 SECTION 41. Section 114.001, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 114.001. DEFINITION. In this chapter, "institution of
19 higher education" has the meaning assigned by Section 61.003,
20 Education Code [~~"council" means the interagency obesity council~~
21 ~~created by this chapter~~].

22 SECTION 42. Section 114.005, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 114.005. REVIEW OF AGENCY PROGRAMS. The institutions
25 of higher education that receive state money for obesity research
26 [~~council~~] shall jointly review the status of the programs of the
27 Department of Agriculture, the Department of State Health Services,

1 and the Texas Education Agency that promote better health and
2 nutrition and prevent obesity among children and adults in this
3 state.

4 SECTION 43. Sections 114.007(a) and (b), Health and Safety
5 Code, are amended to read as follows:

6 (a) Not later than January 15 of each even-numbered
7 ~~[odd-numbered]~~ year, the institutions of higher education
8 performing the review under Section 114.005 ~~[the council]~~ shall
9 jointly submit a report to the governor, the lieutenant governor,
10 and the speaker of the house of representatives on the activities of
11 the institutions ~~[council]~~ under Section ~~[Sections]~~ 114.005 ~~[and~~
12 ~~114.006]~~ during the preceding two calendar years.

13 (b) A report submitted by the institutions of higher
14 education ~~[council]~~ under Subsection (a) must include the following
15 information regarding discussions of agency programs under Section
16 114.005:

17 (1) a list of the programs within each agency
18 ~~[represented on the council]~~ that are designed to promote better
19 health and nutrition;

20 (2) an assessment of the steps taken by each program
21 during the preceding two calendar years;

22 (3) a report of the progress made by taking these steps
23 in reaching each program's goals;

24 (4) the areas of improvement that are needed in each
25 program; and

26 (5) recommendations for future goals or legislation.

27 SECTION 44. Section 115.012, Health and Safety Code, as

1 added by Chapters 835 (S.B. 1824) and 1133 (H.B. 2196), Acts of the
2 81st Legislature, Regular Session, 2009, is amended to read as
3 follows:

4 Sec. 115.012. SUNSET PROVISION. The Interagency Task Force
5 for Children With Special Needs is subject to Chapter 325,
6 Government Code (Texas Sunset Act). Unless continued in existence
7 as provided by that chapter, the task force is abolished and this
8 chapter expires September 1, 2019 [~~2015~~].

9 SECTION 45. Section 221.005(b), Health and Safety Code, is
10 amended to read as follows:

11 (b) This chapter does not exempt a corporation or user from
12 compliance with Chapter [~~104 or~~] 225.

13 SECTION 46. Section 222.022(1), Health and Safety Code, is
14 amended to read as follows:

15 (1) "Health care facility" means a public or private
16 hospital, skilled nursing facility, intermediate care facility,
17 ambulatory surgical center, family planning clinic that performs
18 ambulatory surgical procedures, rural or urban health initiative
19 clinic, end stage renal disease facility, or inpatient
20 rehabilitation facility. The term does not include the office of
21 physicians or practitioners of the healing arts practicing
22 individually or in groups or [~~has the meaning assigned by Section~~
23 ~~104.002, except that the term does not include~~] a chemical
24 dependency treatment facility licensed by the Department of State
25 Health Services [~~Texas Commission on Alcohol and Drug Abuse~~].

26 SECTION 47. Section 311.033(d), Health and Safety Code, is
27 amended to read as follows:

1 (d) A hospital that does not submit to the department the
2 data required under this section is subject to civil penalties
3 under Section 311.0331 [~~104.043~~].

4 SECTION 48. Subchapter C, Chapter 311, Health and Safety
5 Code, is amended by adding Section 311.0331 to read as follows:

6 Sec. 311.0331. FAILURE TO SUBMIT DATA; CIVIL PENALTY. (a)
7 If the department does not receive necessary data from a hospital as
8 required by Section 311.033, the department shall send to the
9 hospital a notice requiring the hospital to submit the data not
10 later than the 30th day after the date on which the hospital
11 receives the notice.

12 (b) A hospital that does not submit the data during the
13 period determined under Subsection (a) is subject to a civil
14 penalty of not more than \$500 for each day after the period that
15 hospital fails to submit the data.

16 (c) At the request of the executive commissioner of the
17 Health and Human Services Commission, the attorney general shall
18 sue in the name of the state to recover the civil penalty.

19 SECTION 49. Section 577.016(a), Health and Safety Code, is
20 amended to read as follows:

21 (a) The department may deny, suspend, or revoke a license if
22 the department finds that the applicant or licensee has
23 substantially failed to comply with:

- 24 (1) department rules;
- 25 (2) this subtitle; or
- 26 (3) Chapter [~~Chapters 104 and~~] 225.

27 SECTION 50. Section 1001.071, Health and Safety Code, is

1 amended to read as follows:

2 Sec. 1001.071. GENERAL POWERS AND DUTIES OF DEPARTMENT
3 RELATED TO HEALTH CARE. The department is responsible for
4 administering human services programs regarding the public health,
5 including:

6 (1) implementing the state's public health care
7 delivery programs under the authority of the department;

8 (2) administering state health facilities, hospitals,
9 and health care systems;

10 (3) developing and providing health care services, as
11 directed by law;

12 (4) providing for the prevention and control of
13 communicable diseases;

14 (5) providing public education on health-related
15 matters, as directed by law;

16 (6) compiling, collecting, and reporting
17 health-related information, as directed by law;

18 (7) acting as the lead agency for implementation of
19 state policies regarding the human immunodeficiency virus and
20 acquired immunodeficiency syndrome and administering programs
21 related to the human immunodeficiency virus and acquired
22 immunodeficiency syndrome;

23 (8) investigating the causes of injuries and methods
24 of prevention;

25 (9) administering a grant program to provide
26 appropriated money to counties, municipalities, public health
27 districts, and other political subdivisions for their use to

1 provide or pay for essential public health services;

2 (10) administering the registration of vital
3 statistics;

4 (11) licensing, inspecting, and enforcing regulations
5 regarding health facilities, other than long-term care facilities
6 regulated by the Department of Aging and Disability Services;

7 (12) implementing established standards and
8 procedures for the management and control of sanitation and for
9 health protection measures;

10 (13) enforcing regulations regarding radioactive
11 materials;

12 (14) enforcing regulations regarding food, bottled
13 and vended drinking water, drugs, cosmetics, and health devices;

14 (15) enforcing regulations regarding food service
15 establishments, retail food stores, mobile food units, and roadside
16 food vendors; and

17 (16) enforcing regulations controlling hazardous
18 substances in households and workplaces.

19 SECTION 51. Chapter 1001, Health and Safety Code, is
20 amended by adding Subchapter G to read as follows:

21 SUBCHAPTER G. SUBMISSION AND COLLECTION OF HEALTH CARE DATA

22 Sec. 1001.171. DEFINITION. In this subchapter, "rural
23 provider" means a provider:

24 (1) located in a county:

25 (A) with a population of 35,000 or less; or

26 (B) with a population of more than 35,000, that
27 has 100 or fewer licensed hospital beds, and that is not located in

1 an area that is delineated as an urbanized area by the United States
2 Bureau of the Census; and

3 (2) that is not a state-owned hospital or a hospital
4 that is managed or owned, directly or indirectly, by an individual,
5 association, partnership, corporation, or other legal entity that
6 owns or manages one or more other hospitals.

7 Sec. 1001.172. DATA SUBMISSION AND COLLECTION. (a) The
8 department may collect and, except as provided by Subsections (c)
9 and (d), providers shall submit to the department or another entity
10 as determined by the department all data required by this section.
11 The data must be collected according to uniform submission formats,
12 coding systems, and other technical specifications necessary to
13 make the incoming data substantially valid, consistent,
14 compatible, and manageable using electronic data processing, if
15 available.

16 (b) The department shall adopt rules to implement the data
17 submission requirements imposed by Subsection (a) in appropriate
18 stages to allow for the development of efficient systems for the
19 collection and submission of the data. A rule adopted by the
20 department that requires submission of a data element that was not
21 required to be submitted before adoption of the rule:

22 (1) may not take effect before the 90th day after the
23 date the rule is adopted; and

24 (2) must take effect not later than the first
25 anniversary after the date the rule is adopted.

26 (c) A rural provider may provide the data required by this
27 subchapter.

1 (d) A hospital may provide the data required by this
2 subchapter if the hospital:

3 (1) is exempt from state franchise, sales, ad valorem,
4 or other state or local taxes; and

5 (2) does not seek or receive reimbursement for
6 providing health care services to patients from any source,
7 including:

8 (A) the patient or any person legally obligated
9 to support the patient;

10 (B) a third-party payor; and

11 (C) Medicaid, Medicare, or any other federal,
12 state, or local program for indigent health care.

13 (e) The department may not collect data from an individual
14 physician or from an entity that is composed entirely of physicians
15 and that is formed under Title 7, Business Organizations Code, or is
16 a professional association organized under the former Texas
17 Professional Association Act (Article 1528f, Vernon's Texas Civil
18 Statutes) or formed under the Texas Professional Association Law,
19 as described by Section 1.008, Business Organizations Code, a
20 limited liability partnership organized under former Section 3.08,
21 Texas Revised Partnership Act (Article 6132b-3.08, Vernon's Texas
22 Civil Statutes), or described by Subchapter J, Chapter 152,
23 Business Organizations Code, or a limited liability company
24 organized under the former Texas Limited Liability Company Act
25 (Article 1528n, Vernon's Texas Civil Statutes) or formed under the
26 Texas Limited Liability Company Law, as described by Section 1.008,
27 Business Organizations Code, except to the extent the entity owns

1 and operates a health care facility in this state. This subsection
2 does not prohibit the release of data about physicians using
3 uniform physician identifiers that has been collected from a health
4 care facility under this subchapter.

5 (f) The department is the single collection point for the
6 receipt of data from providers. The department may transfer
7 collection of any data required to be collected by the department
8 under any other law to the statewide health care data collection
9 system.

10 (g) The department may not require a provider to submit data
11 more frequently than quarterly. A provider may submit data more
12 frequently than quarterly.

13 (h) The department shall coordinate data collection with
14 the data collection formats used by federally qualified health
15 centers. To satisfy the requirements of this subchapter:

16 (1) a federally qualified health center shall submit
17 annually to the department a copy of the Medicaid cost report of
18 federally qualified health centers; and

19 (2) a provider receiving federal funds under 42 U.S.C.
20 Section 254b, 254c, or 256 shall submit annually to the department a
21 copy of the Bureau of Common Reporting Requirements data report
22 developed by the United States Public Health Service.

23 (i) The department shall coordinate data collection with
24 the data submission formats used by hospitals and other providers.
25 The department shall accept data in the format developed by the
26 National Uniform Billing Committee (Uniform Hospital Billing Form
27 UB 92) and HCFA-1500 or their successors or other universally

1 accepted standardized forms that hospitals and other providers use
2 for other complementary purposes.

3 (j) The department by rule shall develop reasonable
4 alternate data submission procedures for providers that do not
5 possess electronic data processing capacity.

6 (k) The department shall collect health care data elements
7 relating to payer type, the racial and ethnic background of
8 patients, and the use of health care services by consumers. The
9 department shall prioritize data collection efforts on inpatient
10 and outpatient surgical and radiological procedures from
11 hospitals, ambulatory surgical centers, and freestanding radiology
12 centers.

13 (l) To the extent feasible, the department shall obtain from
14 public records the information that is available from those
15 records.

16 (m) A provider of a health benefit plan shall annually
17 submit to the department aggregate data by service area required by
18 the Health Plan Employer Data and Information Set as operated by the
19 National Committee for Quality Assurance. The department may
20 approve the submission of data in accordance with other methods
21 generally used by the health benefit plan industry. If the Health
22 Plan Employer Data and Information Set does not generally apply to a
23 health benefit plan, the department shall require submission of
24 data in accordance with other methods. This subsection does not
25 relieve a health care facility that provides services under a
26 health benefit plan from the requirements of this subchapter.
27 Information submitted under this section:

1 (1) is subject to Section 1001.174; and

2 (2) is not subject to Section 1001.173.

3 Sec. 1001.173. COLLECTION AND DISSEMINATION OF PROVIDER
4 QUALITY DATA. (a) Subject to Section 1001.172, the department
5 shall collect data reflecting provider quality based on a
6 methodology and review process established through the
7 department's rulemaking process. The methodology shall identify
8 and measure quality standards and adhere to any federal mandates.

9 (b) The department shall study and analyze initial
10 methodologies for obtaining provider quality data, including
11 outcome data.

12 (c) Provider quality data for reports shall be published and
13 made available to the public, on a time schedule the department
14 considers appropriate.

15 (d) If the department determines that provider quality data
16 to be published under Subsection (c) does not provide the intended
17 result or is inaccurate or inappropriate for dissemination, the
18 department is not required to publish the data or reports based in
19 whole or in part on the data. This subsection does not affect the
20 release of public use data in accordance with Section 1001.174 or
21 the release of information submitted under Section 1001.172(m).

22 (e) The department shall adopt rules allowing a provider to
23 submit concise written comments regarding any specific provider
24 quality data to be released concerning the provider. The
25 department shall make the comments available to the public and in an
26 electronic form accessible through the Internet. The comments
27 shall be attached to any public release of provider quality data.

1 Providers shall submit the comments to the department to be
2 attached to the public release of provider quality data in the same
3 format as the provider quality data that is to be released.

4 (f) The methodology adopted by the department for measuring
5 quality shall include case-mix qualifiers, severity adjustment
6 factors, adjustments for medical education and research, and any
7 other factors necessary to accurately reflect provider quality.

8 (g) In addition to the requirements of this section, any
9 release of provider quality data shall comply with Sections
10 1001.174(g) and (h).

11 (h) A provider quality data report may not identify an
12 individual physician by name. A provider quality data report must
13 identify a physician by the uniform physician identifier designated
14 by the department under Section 1001.174(c).

15 (i) The department shall release provider quality data in an
16 aggregate form without uniform physician identifiers if:

17 (1) the data relates to a rural provider; or

18 (2) the cell size of the data is less than the minimum
19 size established by department rule that would enable
20 identification of an individual patient or physician.

21 Sec. 1001.174. DISSEMINATION OF PUBLIC USE DATA AND
22 DEPARTMENT PUBLICATIONS. (a) The department shall promptly
23 provide public use data and data collected in accordance with
24 Section 1001.172(m) to those requesting it. The public use data
25 does not include provider quality data prescribed by Section
26 1001.173 or confidential data prescribed by Section 1001.176.

27 (b) Subject to the restrictions on access to department data

1 prescribed by Sections 1001.173 and 1001.176, and using the public
2 use data and other data, records, and matters of record available to
3 the department, the department shall prepare and issue reports to
4 the governor, the legislature, and the public as provided by this
5 section. The department must issue the reports at least annually.

6 (c) Subject to the restrictions on access to department data
7 prescribed by Sections 1001.173 and 1001.176, the department shall
8 use public use data to prepare and issue reports that provide
9 information relating to providers, including the incidence rate of
10 selected medical or surgical procedures. The reports must provide
11 the data in a manner that identifies individual providers,
12 including individual physicians, and that identifies and compares
13 data elements for all providers. An individual physician may not be
14 identified by name. An individual physician shall be identified by
15 uniform physician identifiers. The department by rule shall
16 designate the characters to be used as uniform physician
17 identifiers.

18 (d) The department shall use public use data to prepare and
19 issue reports that provide information for review and analysis by
20 the commission relating to services that are provided:

21 (1) in a niche hospital, as that term is defined by
22 Section 105.002, Occupations Code; and

23 (2) by a physician with an ownership interest in the
24 niche hospital.

25 (e) Subsection (d) does not apply to an ownership interest
26 in publicly available shares of a registered investment company,
27 including a mutual fund, that owns publicly traded equity

1 securities or debt obligations issued by a niche hospital or an
2 entity that owns a niche hospital.

3 (f) The department shall adopt procedures to establish the
4 accuracy and consistency of the public use data before releasing
5 the public use data to the public.

6 (g) If public use data is requested from the department
7 about a specific provider, the department shall notify the provider
8 about the release of the data. A provider may not interfere with
9 the release of the data.

10 (h) A report issued by the department shall include a
11 reasonable review and comment period for the affected providers
12 before public release of the report.

13 (i) The department shall adopt rules allowing a provider to
14 submit concise written comments regarding any specific public use
15 data to be released concerning the provider. The department shall
16 make the comments available to the public and in an electronic form
17 accessible through the Internet. The comments shall be attached to
18 any public release of the public use data. A provider shall submit
19 the comments to the department to be attached to the public release
20 of public use data in the same format as the public use data that is
21 to be released.

22 (j) Electronic media containing public use data and
23 provider quality reports that is released to the public must
24 include general consumer education material, including an
25 explanation of the benefits and limitations of the information
26 provided in the public use data and provider quality reports.

27 (k) The department shall release public use data in an

1 aggregate form without uniform physician identifiers if:

2 (1) the data relates to a rural provider; or

3 (2) the cell size of the data is less than the minimum
4 size established by department rule that would enable
5 identification of an individual patient or physician.

6 Sec. 1001.175. COMPUTER ACCESS TO DATA. (a) The department
7 shall provide for computer-to-computer access to the public use
8 data. A report must maintain patient confidentiality as provided
9 by Section 1001.176.

10 (b) The department may charge a person requesting public use
11 or provider quality data a fee for the data. The fee:

12 (1) may reflect the quantity of information provided
13 and the expense incurred by the department in collecting and
14 providing the data; and

15 (2) must be set at a level that will raise revenue
16 sufficient for the department's operations under this subchapter.

17 (c) The department may not charge a fee for providing public
18 use data to a state agency.

19 Sec. 1001.176. CONFIDENTIALITY AND GENERAL ACCESS TO DATA.

20 (a) The department shall use data received by the department for
21 the benefit of the public. Subject to specific limitations
22 established by this subchapter and department rule, the department
23 shall make determinations on requests for information in favor of
24 access.

25 (b) The department by rule shall designate the characters to
26 be used as uniform patient identifiers. The basis for assignment of
27 the characters and the manner in which the characters are assigned

1 are confidential.

2 (c) Unless specifically authorized by this subchapter, the
3 department may not release and a person may not gain access to any
4 data that:

5 (1) could reasonably be expected to reveal the
6 identity of a patient;

7 (2) could reasonably be expected to reveal the
8 identity of a physician;

9 (3) discloses a provider discount or a differential
10 between payments and billed charges;

11 (4) relates to actual payments to an identified
12 provider made by a payer; or

13 (5) is submitted to the department in a uniform
14 submission format that is not included in the public use data set
15 established, except in accordance with Section 1001.177.

16 (d) All data collected and used by the department under this
17 subchapter is subject to the confidentiality provisions and
18 criminal penalties of:

19 (1) Section 81.103;

20 (2) Section 311.037; and

21 (3) Section 159.002, Occupations Code.

22 (e) Data on patients and compilations produced from the data
23 collected that identifies a patient is not:

24 (1) subject to discovery, subpoena, or any other means
25 of legal compulsion for release to any person or entity except as
26 provided by this section; or

27 (2) admissible in any civil, administrative, or

1 criminal proceeding.

2 (f) Data on physicians and compilations produced from the
3 data collected that identifies a physician is not:

4 (1) subject to discovery, subpoena, or any other means
5 of legal compulsion for release to any person or entity except as
6 provided by this section; or

7 (2) admissible in any civil, administrative, or
8 criminal proceeding.

9 (g) The department may not release data elements in a manner
10 that will reveal the identity of a patient or a physician.

11 (h) Subsections (c) and (g) do not prohibit the release of a
12 uniform physician identifier in conjunction with:

13 (1) a provider quality report in accordance with
14 Section 1001.173; or

15 (2) associated public use data in accordance with
16 Section 1001.174.

17 (i) Notwithstanding any other law, the department may not
18 provide information made confidential by this section to any other
19 agency of this state.

20 (j) The department by rule shall develop and implement a
21 mechanism to comply with Subsections (c)(1) and (2).

22 Sec. 1001.177. SCIENTIFIC REVIEW PANEL. (a) The
23 department shall establish a scientific review panel to review and
24 approve requests for information other than public use data.

25 (b) The members of the panel must have experience and
26 expertise in ethics, patient confidentiality, and health care data.

27 (c) To assist the panel in determining whether to approve a

1 request for information, the department shall adopt rules similar
2 to the guidelines on releasing data of the Health Care Financing
3 Administration of the United States Department of Health and Human
4 Services.

5 (d) A request for information, other than public use data,
6 must be made on the form created by the department.

7 Sec. 1001.178. CIVIL PENALTY. (a) A person who knowingly
8 or negligently releases data in violation of this subchapter is
9 liable for a civil penalty of not more than \$10,000.

10 (b) A person who fails to supply available data under
11 Sections 1001.172 and 1001.173 is liable for a civil penalty of not
12 less than \$1,000 or more than \$10,000 for each violation.

13 (c) If requested by the department, the attorney general
14 shall enforce this subchapter.

15 (d) The venue of an action brought under this section is in
16 Travis County.

17 (e) A civil penalty recovered in a suit instituted by the
18 attorney general under this subchapter shall be deposited in the
19 general revenue fund to the credit of the health care information
20 account.

21 Sec. 1001.179. CRIMINAL PENALTY. (a) A person commits an
22 offense if the person:

23 (1) knowingly accesses data in violation of this
24 subchapter; or

25 (2) releases data, with criminal negligence, in
26 violation of this subchapter.

27 (b) An offense under this section is a state jail felony.

1 Sec. 1001.180. RULES. The executive commissioner may adopt
2 rules as necessary to implement this subchapter, including rules
3 that:

4 (1) prescribe a process for providers to submit data
5 consistent with Section 1001.172; and

6 (2) adopt and implement a methodology to collect and
7 disseminate data reflecting provider quality in accordance with
8 Section 1001.173.

9 SECTION 52. Section 56.3075(a), Education Code, is amended
10 to read as follows:

11 (a) If the money available for TEXAS grants in a period for
12 which grants are awarded is sufficient to provide grants to all
13 eligible applicants in amounts specified by Section 56.307, the
14 coordinating board may use any excess money available for TEXAS
15 grants to award a grant in an amount not more than three times the
16 amount that may be awarded under Section 56.307 to a student who:

17 (1) is enrolled in a program that fulfills the
18 educational requirements for licensure or certification by the
19 state in a health care profession that the coordinating board, in
20 consultation with the Texas Workforce Commission and the Department
21 of State Health Services [~~statewide health coordinating council~~],
22 has identified as having a critical shortage in the number of
23 license holders needed in this state;

24 (2) has completed at least one-half of the work toward
25 a degree or certificate that fulfills the educational requirement
26 for licensure or certification; and

27 (3) meets all the requirements to receive a grant

1 award under Section 56.307.

2 SECTION 53. Section 56.4075(a), Education Code, is amended
3 to read as follows:

4 (a) The coordinating board may award a grant in an amount
5 not more than three times the amount that may be awarded under
6 Section 56.407 to a student who:

7 (1) is enrolled in a program that fulfills the
8 educational requirements for licensure or certification by the
9 state in a health care profession that the coordinating board, in
10 consultation with the Texas Workforce Commission and the Department
11 of State Health Services [~~statewide health coordinating council~~],
12 has identified as having a critical shortage in the number of
13 license holders needed in this state;

14 (2) has completed at least one-half of the work toward
15 a degree or certificate that fulfills the educational requirement
16 for licensure or certification; and

17 (3) meets all the requirements to receive a grant
18 award under Section 56.407.

19 SECTION 54. Section 501.253(a), Insurance Code, is amended
20 to read as follows:

21 (a) The office is entitled to information that is
22 confidential under a law of this state, including Section 843.006
23 of this code, Subchapter G, Chapter 1001 [~~108~~], Health and Safety
24 Code, and Chapter 552, Government Code.

25 SECTION 55. Section 301.157(h), Occupations Code, is
26 amended to read as follows:

27 (h) The board, in collaboration with the nursing educators,

1 the Texas Higher Education Coordinating Board, and the Department
2 of State Health Services [~~Texas Health Care Policy Council~~], shall
3 implement, monitor, and evaluate a plan for the creation of
4 innovative nursing education models that promote increased
5 enrollment in this state's nursing programs.

6 SECTION 56. The following laws are repealed:

7 (1) Chapter 104, Health and Safety Code;

8 (2) Chapter 108, Health and Safety Code;

9 (3) Chapter 109, Health and Safety Code; and

10 (4) Sections 114.002, 114.003, 114.004, 114.006,
11 114.007(c), and 114.008, Health and Safety Code.

12 SECTION 57. On September 1, 2011:

13 (1) the statewide health coordinating council is
14 abolished;

15 (2) all property in the custody of the statewide
16 health coordinating council is transferred to the Department of
17 State Health Services; and

18 (3) all contracts, leases, rights, and obligations of
19 the statewide health coordinating council are transferred to the
20 Department of State Health Services.

21 SECTION 58. On September 1, 2011:

22 (1) the Texas Health Care Policy Council is abolished;

23 (2) all property in the custody of the Texas Health
24 Care Policy Council is transferred to the Department of State
25 Health Services; and

26 (3) all contracts, leases, rights, and obligations of
27 the Texas Health Care Policy Council are transferred to the

1 Department of State Health Services.

2 SECTION 59. On September 1, 2011:

3 (1) the Interagency Obesity Council is abolished;

4 (2) all property in the custody of the Interagency
5 Obesity Council is transferred to the Department of State Health
6 Services; and

7 (3) all contracts, leases, rights, and obligations of
8 the Interagency Obesity Council are transferred to the Department
9 of State Health Services.

10 SECTION 60. This Act takes effect September 1, 2011.