

By: Coleman, Naishtat, Marquez

H.B. No. 2229

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas HIV Medication Advisory Committee.

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

SECTION 1. Chapter 85, Health and Safety Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. TEXAS HIV MEDICATION ADVISORY COMMITTEE

Sec. 85.271. DEFINITIONS. In this subchapter:

(1) "Commissioner" means the commissioner of the department.

(2) "Committee" means the Texas HIV Medication Advisory Committee.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(4) "Program" means the Texas HIV medication program established under Subchapter C.

Sec. 85.272. TEXAS HIV MEDICATION ADVISORY COMMITTEE. (a) The executive commissioner shall establish the committee.

(b) The committee consists of 11 members appointed by the executive commissioner. The committee must include:

(1) three physicians who are actively engaged in the treatment of adults who are infected with HIV;

(2) one physician who is actively engaged in the treatment of infants and children who are infected with HIV;

1           (3) four consumers who are diagnosed with HIV;

2           (4) one person who is an administrator for a public,  
3 nonprofit hospital that provides services to individuals who are  
4 infected with HIV;

5           (5) one social worker who works with individuals who  
6 are infected with HIV; and

7           (6) one pharmacist who participates in the program.

8           (c) The department shall provide staff support for the  
9 committee.

10           (d) Except as provided by this subchapter, the committee is  
11 subject to Chapter 2110, Government Code.

12           Sec. 85.273. DUTIES. (a) The committee shall advise the  
13 executive commissioner and the department in the development of  
14 procedures and guidelines for the program.

15           (b) The committee shall:

16               (1) review the program's goals and aims;

17               (2) evaluate the program's ongoing efforts;

18               (3) recommend both short-range and long-range goals  
19 and objectives for medication needs; and

20               (4) perform any other tasks assigned by the executive  
21 commissioner.

22           Sec. 85.274. TERMS. A committee member serves at the will  
23 of the executive commissioner.

24           Sec. 85.275. OFFICERS. (a) The committee shall select a  
25 presiding officer and an assistant presiding officer from the  
26 committee members.

27           (b) An officer shall begin serving on March 1 of each

1 odd-numbered year and serve until February 27 of the following  
2 odd-numbered year.

3 (c) An officer may continue to serve until a replacement is  
4 elected for the officer's position.

5 (d) The presiding officer shall:

6 (1) preside at all committee meetings attended by the  
7 presiding officer;

8 (2) call meetings in accordance with this subchapter;

9 (3) appoint subcommittees as necessary; and

10 (4) ensure annual reports are made to the  
11 commissioner.

12 (e) The presiding officer may serve as an ex officio member  
13 of any subcommittee.

14 (f) The assistant presiding officer shall:

15 (1) perform the duties of the presiding officer if the  
16 presiding officer is absent or becomes disabled; and

17 (2) complete the unexpired portion of the presiding  
18 officer's term if the office of the presiding officer becomes  
19 vacant.

20 (g) The committee may elect a committee member to replace  
21 the assistant presiding officer if the office of the assistant  
22 presiding officer becomes vacant.

23 Sec. 85.276. MEETINGS. (a) The committee shall meet only  
24 as necessary to conduct committee business.

25 (b) A meeting may be called by agreement between the  
26 department staff and:

27 (1) the presiding officer; or

1           (2) three or more members of the committee.

2           (c) The department staff shall:

3           (1) make meeting arrangements; and

4           (2) contact each committee member to determine the  
5 member's availability for a meeting date and place.

6           (d) The committee is not a "governmental body" as defined by  
7 Chapter 551, Government Code. However, each committee meeting must  
8 be announced and conducted in accordance with Chapter 551,  
9 Government Code, except that the provisions allowing executive  
10 sessions do not apply to the committee.

11           (e) Each member of the committee must be informed of a  
12 committee meeting at least five working days before the meeting is  
13 to take place.

14           (f) An agenda for each committee meeting must include an  
15 item entitled "public comment" under which any person may address  
16 the committee on matters relating to committee business. The  
17 presiding officer may establish procedures for public comment,  
18 including a time limit for each comment.

19           Sec. 85.277. ATTENDANCE. (a) A member shall attend:

20           (1) a scheduled committee meeting; and

21           (2) a meeting of a subcommittee to which the member is  
22 assigned.

23           (b) A member shall notify the presiding officer or the  
24 appropriate department staff if the member is unable to attend a  
25 scheduled meeting.

26           (c) The committee shall include the attendance records of  
27 each member in the committee's annual report to the commissioner.

1 The report must include a member's attendance at both committee and  
2 subcommittee meetings.

3 Sec. 85.278. PROCEDURES. (a) The committee shall use  
4 Robert's Rules of Order as the basis of parliamentary decisions  
5 except as provided by other law or rule.

6 (b) An action taken by the committee must be approved by a  
7 majority vote of the members present after a quorum is established.

8 (c) Each member shall have one vote.

9 (d) A member may not authorize another individual to  
10 represent the member by proxy.

11 (e) The committee shall make decisions in the discharge of  
12 the committee's duties without discrimination based on a person's  
13 race, creed, gender, religion, national origin, age, physical  
14 condition, or economic status.

15 (f) The department staff shall take minutes of each  
16 committee meeting. After the minutes are approved by the  
17 committee, the presiding officer shall sign the minutes.

18 Sec. 85.279. SUBCOMMITTEES. (a) The committee may  
19 establish subcommittees as necessary to assist the committee in  
20 performing the committee's duties.

21 (b) The presiding officer shall appoint committee members  
22 to serve on subcommittees and to act as subcommittee chairs. The  
23 presiding officer may appoint a person who is not a committee member  
24 to serve on a subcommittee.

25 (c) A subcommittee shall meet when called by the  
26 subcommittee's chair or when directed by the committee.

27 (d) A subcommittee chair shall make a regular report to the

1 committee at each committee meeting or in an interim written report  
2 as needed. The report must include an executive summary or minutes  
3 of each subcommittee meeting.

4 Sec. 85.280. STATEMENT BY MEMBER; MEMBER DUTIES. (a) The  
5 executive commissioner, the department, and the committee may not  
6 be bound by any statement made or action taken by a committee member  
7 unless the member makes the statement or takes the action based on  
8 specific instructions from the executive commissioner, the  
9 department, or the committee.

10 (b) The committee and committee members may not participate  
11 in any legislative activity in the name of the executive  
12 commissioner, the department, or the committee unless the committee  
13 or committee member obtains approval through the department's  
14 legislative process. Committee members may represent themselves or  
15 another entity in the legislative process.

16 (c) A committee member may not accept or solicit a benefit  
17 that might reasonably tend to influence the member in the discharge  
18 of the member's official duties.

19 (d) A committee member may not disclose confidential  
20 information acquired through the member's service on the committee.

21 (e) A committee member may not knowingly solicit, accept, or  
22 agree to accept a benefit for exercising the member's official  
23 powers or duties in favor of another person.

24 (f) A committee member who has a personal or private  
25 interest in a matter pending before the committee shall publicly  
26 disclose the fact and may not vote or otherwise participate in the  
27 matter.

1       (g) In this section, "personal or private interest" means a  
2 direct pecuniary interest in a matter but does not include a  
3 person's engagement in a profession, trade, or occupation if the  
4 person's interest is the same as any other person who is similarly  
5 engaged in the profession, trade, or occupation.

6       Sec. 85.281. COMPENSATION; EXPENSES. (a) A committee  
7 member may receive reimbursement for expenses incurred for each day  
8 the member engages in official committee business if the  
9 reimbursement is authorized by the General Appropriations Act or  
10 through the budget execution process.

11       (b) A committee member is not entitled to a salary or  
12 stipend unless required by law.

13       (c) A committee member who is an employee of a state agency,  
14 other than the department, is not entitled to reimbursement for  
15 expenses from the department.

16       (d) A person who serves on a subcommittee and who is not a  
17 committee member is not entitled to reimbursement for expenses from  
18 the department.

19       (e) Only a consumer who is diagnosed with HIV and serves as a  
20 committee member is eligible for reimbursement of actual travel  
21 expenses incurred.

22       (f) A committee member who is eligible for reimbursement of  
23 expenses shall submit to the department staff the member's receipts  
24 for the expenses and any required forms not later than 14 days after  
25 a committee meeting.

26       (g) A member shall make a request for reimbursement of  
27 expenses on an official state travel voucher prepared by the

1 department staff.

2 Sec. 85.282. REPORTS. (a) The committee shall file an  
3 annual written report with the commissioner not later than March 31  
4 of each year. The report must cover the meetings and activities of  
5 the committee for the year preceding the date of the report.

6 (b) The report must include:

7 (1) the meeting dates of the committee and any  
8 subcommittee;

9 (2) attendance records for each committee member;

10 (3) a brief description of any action taken by the  
11 committee;

12 (4) a description of how the committee has  
13 accomplished any specific tasks officially given to the committee;

14 (5) the status of any rules recommended by the  
15 committee; and

16 (6) the anticipated activities of the committee for  
17 the following year.

18 (c) The committee shall identify the costs for the  
19 committee's existence in the report, including the cost of  
20 department staff used to support the committee's activities and the  
21 source of funds used to support the committee's activities.

22 (d) The presiding officer and appropriate department staff  
23 shall sign the report.

24 SECTION 2. Section 85.066, Health and Safety Code, is  
25 repealed.

26 SECTION 3. (a) The executive commissioner of the Health and  
27 Human Services Commission shall appoint the initial members of the



1 Texas HIV Medication Advisory Committee as provided by Section  
2 85.272, Health and Safety Code, as added by this Act, as promptly as  
3 possible after the effective date of this Act. The executive  
4 commissioner may appoint, but is not required to appoint, initial  
5 members to the committee who served on the advisory committee  
6 previously established under Section 85.066, Health and Safety  
7 Code, as repealed by this Act.

8 (b) The members of the Texas HIV Medication Advisory  
9 Committee shall, at the first meeting of the committee, select a  
10 presiding officer and an assistant presiding officer, and  
11 notwithstanding Section 85.275(b), Health and Safety Code, as added  
12 by this Act, the initial terms of those officers begin on the date  
13 of selection.

14 SECTION 4. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2011.