

By: Fletcher

H.B. No. 2648

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the reestablishment of the Texas Bleeding Disorders
3 Advisory Council.

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

5 SECTION 1. Subtitle E, Title 2, Health and Safety Code, is
6 amended by adding Chapter 103A to read as follows:

7 CHAPTER 103A. TEXAS BLEEDING DISORDERS ADVISORY COUNCIL

8 Sec. 103A.001. DEFINITIONS. In this chapter:

9 (1) "Commissioner" means the commissioner of state
10 health services.

11 (2) "Council" means the Texas Bleeding Disorders
12 Advisory Council.

13 (3) "Department" means the Department of State Health
14 Services.

15 (4) "Hemophilia" has the meaning assigned by Section
16 41.001.

17 Sec. 103A.002. COMPOSITION OF COUNCIL. (a) The council is
18 composed of:

19 (1) the commissioner and the commissioner of
20 insurance, or their designees, serving as nonvoting members; and

21 (2) 10 voting members jointly appointed by the
22 commissioner and the commissioner of insurance as follows:

23 (A) one member who is a physician licensed to
24 practice medicine in this state under Subtitle B, Title 3,

1 Occupations Code, who at the time of appointment treats individuals
2 with hemophilia or other bleeding or clotting disorders;

3 (B) one member who is a nurse licensed under
4 Chapter 301, Occupations Code, who at the time of appointment
5 treats individuals with hemophilia or other bleeding or clotting
6 disorders;

7 (C) one member who is a social worker licensed
8 under Chapter 505, Occupations Code, who at the time of appointment
9 treats individuals with hemophilia or other bleeding or clotting
10 disorders;

11 (D) one member who is a representative of a
12 hemophilia treatment center in this state that is federally funded;

13 (E) one member who is a representative of a
14 health insurer or other health benefit plan issuer that holds a
15 certificate of authority issued by the Texas Department of
16 Insurance;

17 (F) one member who is a representative of a
18 volunteer or nonprofit health organization that serves residents of
19 this state who have hemophilia or another bleeding or clotting
20 disorder;

21 (G) one member who has hemophilia or is a
22 caregiver of a person with hemophilia;

23 (H) one member who has a bleeding disorder other
24 than hemophilia or is a caregiver of a person with a bleeding
25 disorder other than hemophilia;

26 (I) one member who has a clotting disorder or is a
27 caregiver of a person with a clotting disorder; and

1 (J) one member who is a pharmacist licensed under
2 Subtitle J, Title 3, Occupations Code, with hemophilia therapy
3 experience, who at the time of appointment represents a pharmacy
4 provider that is not a specialty pharmacy provider participating in
5 the Drug Pricing Program under Section 340B, Public Health Service
6 Act (42 U.S.C. Section 256b).

7 (b) In addition to council members appointed under
8 Subsection (a), the commissioner and the commissioner of insurance
9 may jointly appoint up to five nonvoting members, including:

10 (1) persons with hemophilia or other bleeding or
11 clotting disorders or caregivers of persons with hemophilia or
12 other bleeding or clotting disorders; and

13 (2) persons experienced in the diagnosis, treatment,
14 care, and support of persons with hemophilia or other bleeding or
15 clotting disorders.

16 Sec. 103A.003. VACANCY. If a vacancy occurs on the council,
17 the commissioner and the commissioner of insurance shall jointly
18 appoint a person to serve for the remainder of the unexpired term.

19 Sec. 103A.004. PRESIDING OFFICER. Council members shall
20 elect from among the voting council members a presiding officer.
21 The presiding officer retains all voting rights.

22 Sec. 103A.005. COMPENSATION AND REIMBURSEMENT. A council
23 member may not:

24 (1) receive compensation for service on the council;
25 and

26 (2) be reimbursed for actual and necessary expenses
27 incurred while performing council business except to the extent

1 that money available under Section 103A.009 is designated for that
2 purpose.

3 Sec. 103A.006. MEETINGS. The council shall meet at least
4 quarterly and at the call of the commissioner or presiding officer.

5 Sec. 103A.007. DUTIES OF COUNCIL. The council shall
6 conduct studies and advise the department, the Health and Human
7 Services Commission, and the Texas Department of Insurance on
8 issues that affect the health and wellness of persons living with
9 hemophilia or other bleeding or clotting disorders, including:

10 (1) legislative or administrative changes to policies
11 and programs that affect the health and wellness of persons with
12 hemophilia or other bleeding or clotting disorders, including
13 policies and programs regarding access to appropriate health
14 insurance or similar health coverage;

15 (2) legislative or administrative changes to policies
16 and programs that affect product-specific reimbursement to
17 providers, including policies and programs regarding new payment
18 methods for:

19 (A) anti-hemophilia factor that include various
20 reimbursement methodologies for products dispensed under the
21 Medicaid program; or

22 (B) other appropriate treatment;

23 (3) best practices in standards of care and treatment
24 for persons with hemophilia or other bleeding or clotting
25 disorders;

26 (4) the establishment of community-based initiatives
27 to disseminate information on services and related activities

1 available for persons living with hemophilia or other bleeding or
2 clotting disorders to the medical and health care community, the
3 academic community, primary caregivers, advocacy associations, and
4 the public; and

5 (5) the coordination of public and private support
6 networking systems for persons living with hemophilia or other
7 bleeding or clotting disorders and primary caregivers.

8 Sec. 103A.008. ANNUAL REPORTS BY COUNCIL AND COMMISSIONER.

9 (a) Not later than December 1 of each even-numbered year, the
10 council shall submit a report of its findings and recommendations
11 to the governor, the lieutenant governor, and the speaker of the
12 house of representatives. The council's report must be made public
13 and is subject to public review and comment before adoption by the
14 council.

15 (b) Not later than six months after the date the council's
16 annual report is issued, the commissioner shall report on efforts
17 to implement the recommendations in the report. The commissioner's
18 annual report must:

19 (1) be made available to the public; and

20 (2) include any related state or national activities
21 in which the council participates.

22 Sec. 103A.009. GIFTS, GRANTS, AND DONATIONS. The
23 commissioner may accept for the council gifts, grants, and
24 donations to fulfill the council's purposes and duties under this
25 chapter. The department is not required to perform any
26 fund-raising activities or to solicit donations for the council.

27 Sec. 103A.010. CERTAIN FUNDING PROHIBITED. The council may

1 not accept any funds that are appropriated by the legislature and
2 designated for the treatment of hemophilia or other bleeding or
3 clotting disorders.

4 Sec. 103A.011. ADMINISTRATIVE SUPPORT. The department
5 shall provide reasonably necessary administrative support for
6 council activities.

7 Sec. 103A.012. EXPIRATION. This chapter expires and the
8 council is abolished September 1, 2015.

9 SECTION 2. As soon as practicable after the effective date
10 of this Act and not later than December 1, 2011, the commissioner of
11 state health services and the commissioner of insurance shall
12 jointly appoint members to the Texas Bleeding Disorders Advisory
13 Council as required by Section 103A.002, Health and Safety Code, as
14 added by this Act.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2011.