

By: Nelson  
(Kolkhorst)

S.B. No. 969

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Public Health Funding and Policy Committee within the Department of State Health Services.

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

SECTION 1. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 117 to read as follows:

CHAPTER 117. PUBLIC HEALTH FUNDING AND POLICY COMMITTEE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 117.001. DEFINITIONS. In this chapter:

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

(2) "Committee" means the Public Health Funding and Policy Committee established under Section 117.051.

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

(4) "Local health department" means a local health department established under Subchapter D, Chapter 121.

(5) "Local health entity" means a local health unit, a local health department, or a public health district.

(6) "Local health unit" has the meaning assigned by Section 121.004.

(7) "Public health district" means a health district established under Subchapter E, Chapter 121.

Sec. 117.002. APPLICATION OF SUNSET ACT. The Public Health

1 Funding and Policy Committee is subject to Chapter 325, Government  
2 Code (Texas Sunset Act). Unless continued in existence as provided  
3 by that chapter, the committee is abolished and this chapter  
4 expires September 1, 2023.

5 Sec. 117.003. ADMINISTRATIVE COSTS. To the extent that a  
6 term or condition of a federal grant or federal law does not limit  
7 the use of federal grant money, the department or a local health  
8 entity may use federal grant money to pay the administrative costs  
9 incurred by the department or the local health entity in  
10 implementing and administering this chapter.

11 [Sections 117.004-117.050 reserved for expansion]

12 SUBCHAPTER B. ESTABLISHMENT OF COMMITTEE

13 Sec. 117.051. ESTABLISHMENT OF COMMITTEE. The commissioner  
14 shall establish the Public Health Funding and Policy Committee  
15 within the department.

16 Sec. 117.052. APPOINTMENT OF MEMBERS. (a) The  
17 commissioner shall appoint nine members to the committee as  
18 follows:

19 (1) two regional health directors, each of whom is  
20 serving as a health authority in a municipality or county;

21 (2) one local health entity representative of a  
22 municipality or county with a population of 50,000 or less;

23 (3) one local health entity representative from a  
24 municipality or county with a population greater than 50,000 but  
25 less than 250,000;

26 (4) one local health entity representative from a  
27 municipality or county with a population of at least 250,000;

1           (5) two local health entity representatives, each of  
2 whom serves in a municipality or county as the health authority; and

3           (6) two representatives of schools of public health at  
4 institutions of higher education in this state.

5           (b) In making appointments under Subsections (a)(2), (3),  
6 (4), and (5), the commissioner shall select the members from  
7 nominations by associations representing local health departments,  
8 county governments, and municipal governments.

9           Sec. 117.053. TERMS; VACANCY. (a) Committee members serve  
10 staggered six-year terms, with the terms of three members expiring  
11 on February 1 of each odd-numbered year.

12           (b) If a vacancy occurs on the committee, a person shall be  
13 appointed to fill the vacancy for the unexpired term in the same  
14 manner as the original appointment.

15           Sec. 117.054. COMPENSATION AND REIMBURSEMENT. A committee  
16 member is not entitled to compensation for service on the committee  
17 and is not entitled to reimbursement for any travel expenses.

18           Sec. 117.055. PRESIDING OFFICER. The presiding officer is  
19 elected by a majority vote of all the committee members.

20           Sec. 117.056. MEETINGS. (a) The committee shall meet at  
21 least quarterly or more frequently at the call of the presiding  
22 officer.

23           (b) To ensure appropriate representation from all areas of  
24 this state, the committee may meet by videoconference or telephone  
25 conference call. A meeting held by videoconference or telephone  
26 conference call under this subsection must comply with the  
27 requirements applicable to a telephone conference call under

1 Sections 551.125(c), (d), (e), and (f), Government Code. Sections  
2 551.125(b) and 551.127, Government Code, do not apply to the  
3 committee.

4 [Sections 117.057-117.100 reserved for expansion]

5 SUBCHAPTER C. DUTIES OF COMMITTEE

6 Sec. 117.101. GENERAL DUTIES OF COMMITTEE. (a) The  
7 committee shall:

8 (1) define the core public health services a local  
9 health entity should provide in a county or municipality;

10 (2) evaluate public health in this state and identify  
11 initiatives for areas that need improvement;

12 (3) identify all funding sources available for use by  
13 local health entities to perform core public health functions;

14 (4) establish public health policy priorities for this  
15 state; and

16 (5) at least annually, make formal recommendations to  
17 the department regarding:

18 (A) the use and allocation of funds available  
19 exclusively to local health entities to perform core public health  
20 functions;

21 (B) ways to improve the overall public health of  
22 citizens in this state;

23 (C) methods for transitioning from a contractual  
24 relationship between the department and the local health entities  
25 to a cooperative-agreement relationship between the department and  
26 the local health entities; and

27 (D) methods for fostering a continuous

1 collaborative relationship between the department and the local  
2 health entities.

3 (b) Recommendations made under Subsection (a)(5)(A) must be  
4 in accordance with:

5 (1) prevailing epidemiological evidence, variations  
6 in geographic and population needs, best practices, and  
7 evidence-based interventions related to the populations to be  
8 served;

9 (2) state and federal law; and

10 (3) federal funding requirements.

11 Sec. 117.102. PUBLIC TESTIMONY. (a) At least  
12 semiannually, the committee shall:

13 (1) invite public health stakeholders, including  
14 federal public health officials, county and municipal governments,  
15 schools of public health at institutions of higher education, and  
16 federally qualified health centers, to give oral or written  
17 testimony to the committee; and

18 (2) provide opportunities for the general public to  
19 give oral or written testimony to the committee.

20 (b) The committee shall consult with public health  
21 stakeholders to carry out the general duties of the committee.

22 Sec. 117.103. ANNUAL REPORT. Beginning in 2012, not later  
23 than November 30 of each year the committee shall file a report on  
24 the implementation of this chapter with the governor, the  
25 lieutenant governor, and the speaker of the house of  
26 representatives.

27 Sec. 117.104. SUPPORT STAFF. Using existing personnel and

1 videoconferencing equipment, local health entities or their  
2 designees may assist the committee in the performance of its duties  
3 under this chapter.

4 Sec. 117.105. OPEN MEETINGS ACT. Except as provided by  
5 Section 117.056, the committee is subject to Chapter 551,  
6 Government Code.

7 [Sections 117.106-117.150 reserved for expansion]

8 SUBCHAPTER D. POWERS AND DUTIES OF DEPARTMENT

9 Sec. 117.151. ANNUAL REPORT. (a) Beginning in 2012, not  
10 later than November 30 of each year the department shall file an  
11 annual report with the governor, the lieutenant governor, and the  
12 speaker of the house of representatives detailing:

13 (1) the implementation of the committee's  
14 recommendations described in Section 117.101(a)(5); and

15 (2) an explanation of the department's reasons for not  
16 implementing a recommendation.

17 (b) A decision by the department not to implement a  
18 recommendation of the committee must be based on:

19 (1) a lack of available funding;

20 (2) evidence that the recommendation is not in  
21 accordance with prevailing epidemiological evidence, variations in  
22 geographic and population needs, best practices, or evidence-based  
23 interventions related to the populations to be served;

24 (3) evidence that implementing the recommendation  
25 would violate state or federal law; or

26 (4) evidence that the recommendation would violate  
27 federal funding requirements.

1       Sec. 117.152. COLLABORATIVE RELATIONSHIP WITH LOCAL HEALTH  
2 ENTITIES. The department shall establish a continuous  
3 collaborative relationship with local health departments.

4       Sec. 117.153. COOPERATIVE AGREEMENT PLAN. Not later than  
5 June 30, 2012, the department shall develop a plan to transition  
6 from contractual agreements with local health entities to  
7 cooperative agreements with local health entities. The plan must  
8 include a mechanism to ensure that the local health entities are  
9 accountable to the department for the funds allocated. This  
10 section expires June 30, 2013.

11       SECTION 2. Subchapter B, Chapter 1001, Health and Safety  
12 Code, is amended by adding Section 1001.0305 to read as follows:

13       Sec. 1001.0305. LOCAL HEALTH ENTITY POLICY. In developing  
14 policy related to funding local health entities as defined by  
15 Section 117.001, the department shall consult with the Public  
16 Health Funding and Policy Committee established under Chapter 117.

17       SECTION 3. (a) As soon as practicable after the effective  
18 date of this Act but not later than October 1, 2011, the  
19 commissioner of state health services shall appoint the members of  
20 the Public Health Funding and Policy Committee established by  
21 Section 117.051, Health and Safety Code, as added by this Act.

22       (b) Not later than the 30th day after the date all members  
23 are appointed to the Public Health Funding and Policy Committee as  
24 required by Subsection (a) of this section, the commissioner of  
25 state health services shall call the first meeting of the  
26 committee.

27       (c) At the first meeting of the initial members of the

1 Public Health Funding and Policy Committee, the members shall draw  
2 lots to determine which three members will serve initial two-year  
3 terms expiring February 1, 2013, which three members will serve  
4 initial four-year terms expiring February 1, 2015, and which three  
5 members will serve initial six-year terms expiring February 1,  
6 2017.

7 SECTION 4. This Act takes effect September 1, 2011.