

By: Nelson

S.B. No. 969

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Public Health Funding and Policy Advisory 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

ADVISORY 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 Advisory 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

1 established under Subchapter E, Chapter 121.

2 Sec. 117.002. APPLICATION OF SUNSET ACT. The Public Health
3 Funding and Policy Advisory Committee is subject to Chapter 325,
4 Government Code (Texas Sunset Act). Unless continued in existence
5 as provided by that chapter, the committee is abolished and this
6 chapter expires September 1, 2023.

7 Sec. 117.003. APPLICABILITY OF OTHER LAW. Chapter 2110,
8 Government Code, does not apply to the committee.

9 Sec. 117.004. ADMINISTRATIVE COSTS. To the extent that a
10 term or condition of a federal grant or federal law does not limit
11 the use of federal grant money, the department or a local health
12 entity may use federal grant money to pay the administrative costs
13 incurred by the department or the local health entity in
14 implementing and administering this chapter.

15 [Sections 117.005-117.050 reserved for expansion]

16 SUBCHAPTER B. ESTABLISHMENT OF COMMITTEE

17 Sec. 117.051. ESTABLISHMENT OF COMMITTEE. The commissioner
18 shall establish the Public Health Funding and Policy Advisory
19 Committee within the department.

20 Sec. 117.052. APPOINTMENT OF MEMBERS. (a) The
21 commissioner shall appoint seven members to the committee as
22 follows:

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

25 (2) one local health department representative of a
26 municipality or county with a population of 50,000 or less;

27 (3) one local health department representative from a

1 municipality or county with a population greater than 50,000 but
2 less than 250,000;

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

5 (5) one local health department representative
6 serving in a municipality or county as the health authority; and

7 (6) one representative of a school of public health at
8 an institution of higher education in this state.

9 (b) In making appointments, the commissioner shall select
10 the members from nominations by associations representing local
11 health departments, county governments, and municipal governments.

12 Sec. 117.053. TERMS; VACANCY. (a) Committee members serve
13 staggered six-year terms, with the terms of two or three members, as
14 applicable, expiring on February 1 of each odd-numbered year.

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

18 Sec. 117.054. COMPENSATION AND REIMBURSEMENT. A committee
19 member is not entitled to compensation for service on the committee
20 and is not entitled to reimbursement for any travel expenses.

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

23 Sec. 117.056. MEETINGS. (a) The committee shall meet at
24 least monthly or more frequently at the call of the presiding
25 officer.

26 (b) To ensure appropriate representation from all areas of
27 this state, the committee may meet by videoconference or telephone

1 conference call. A meeting held by videoconference or telephone
2 conference call under this subsection must comply with the
3 requirements applicable to a telephone conference call under
4 Sections 551.125(c), (d), (e), and (f), Government Code.

5 [Sections 117.057-117.100 reserved for expansion]

6 SUBCHAPTER C. DUTIES OF COMMITTEE

7 Sec. 117.101. GENERAL DUTIES OF COMMITTEE. The committee
8 shall:

9 (1) define and make recommendations to the department
10 on the core public health services a local health department should
11 provide in a county or municipality;

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

14 (3) identify all funding sources available for use by
15 local health departments to perform core public health functions;

16 (4) recommend policy priorities for the department to
17 use in allocating money available for core public health services,
18 in accordance with:

19 (A) prevailing epidemiological evidence,
20 variations in geographic and population needs, best practices, and
21 evidence-based interventions related to the populations to be
22 served;

23 (B) state and federal law; and

24 (C) federal funding requirements;

25 (5) at least semiannually, make formal
26 recommendations to the department on the use of funds available
27 exclusively to local health departments to perform core public

1 health functions and on the allocation of the available funds
2 throughout this state;

3 (6) make recommendations to the department on
4 transitioning from a contractual relationship with the local health
5 departments to a cooperative agreement relationship with the local
6 health departments; and

7 (7) make recommendations to the department on methods
8 for fostering a continuous collaborative relationship with local
9 health departments.

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

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

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

19 (b) The committee shall consult with key stakeholders to
20 carry out the general duties of the committee.

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

25 Sec. 117.104. SUPPORT STAFF. Using existing administrative,
26 professional, clerical, and other personnel, local health
27 departments or their designees may assist the committee in the

1 performance of its duties under this chapter.

2 Sec. 117.105. OPEN MEETINGS ACT. The committee is subject
3 to Chapter 551, Government Code.

4 [Sections 117.106-117.150 reserved for expansion]

5 SUBCHAPTER D. POWERS AND DUTIES OF DEPARTMENT

6 Sec. 117.151. FUNDING AND POLICY DECISIONS. The department
7 shall consider the committee's recommendations in making funding
8 and policy decisions related to core public health services,
9 provided the recommendations comply with prevailing
10 epidemiological evidence, variations in geographic and population
11 needs, best practices, and evidence-based interventions related to
12 the populations to be served.

13 Sec. 117.152. ANNUAL REPORT. The department shall file an
14 annual report with the governor, lieutenant governor, and speaker
15 of the house of representatives on the implementation of the
16 committee's funding and policy recommendations and an explanation
17 of the department's reasons for not implementing any
18 recommendation.

19 Sec. 117.153. COOPERATIVE AGREEMENT PLAN. Not later than
20 June 30, 2012, the department shall develop a plan to transition
21 from contractual agreements with the local health departments to
22 cooperative agreements with the local health departments. The plan
23 must include a mechanism to ensure the local health departments are
24 accountable to the department for the funds allocated. This
25 section expires June 30, 2013.

26 Sec. 117.154. COLLABORATIVE RELATIONSHIP WITH LOCAL HEALTH
27 DEPARTMENTS. The department shall establish a continuous,

1 collaborative relationship with local health departments.

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

4 Sec. 1001.0305. LOCAL HEALTH DEPARTMENT POLICY. In
5 developing policy related to funding local health departments as
6 defined by Section 117.001, the department shall consult with the
7 Public Health Funding and Policy Advisory Committee established
8 under Chapter 117.

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

14 (b) Not later than the 30th day after the date all members
15 are appointed to the Public Health Funding and Policy Advisory
16 Committee as required by Subsection (a) of this section, the
17 commissioner of state health services shall call the first meeting
18 of the committee.

19 (c) At the first meeting of the initial members of the
20 Public Health Funding and Policy Advisory Committee, the members
21 shall draw lots to determine which two members will serve initial
22 two-year terms expiring February 1, 2013, which two members will
23 serve initial four-year terms expiring February 1, 2015, and which
24 three members will serve initial six-year terms expiring February
25 1, 2017.

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