

By: Patrick

S.B. No. 1397

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to creation of a study committee for the Interstate Health  
3 Care Compact.

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

5 SECTION 1. FINDINGS. (a) The legislature finds that the  
6 Interstate Health Care Compact authorizes the legislature to  
7 suspend the operation of federal laws, rules, regulations, and  
8 orders regarding health care that are inconsistent with a state law  
9 or regulation.

10 (b) By exercising the authority described by Subsection (a)  
11 of this section, the state assumes primary responsibility to  
12 regulate health care in this state.

13 (c) Alternatively, the legislature may suspend a federal  
14 law, rule, regulation, or order relating to a limited area of health  
15 care.

16 (d) By exercising the authority described by Subsection (c)  
17 of this section, the state assumes primary responsibility to  
18 regulate health care for only that limited area of health care.

19 (e) The first step toward implementation of the Interstate  
20 Health Care Compact in this state is the creation of a study  
21 committee to make recommendations to the governor and legislature  
22 about the most efficient use of the authority provided by the  
23 Interstate Health Care Compact.

24 SECTION 2. DEFINITIONS. In this Act:

1           (1) "Committee" means the Texas Health Care Compact  
2 Advisory Committee.

3           (2) "Compact" means the Interstate Health Care  
4 Compact.

5           (3) "Health care" means care, services, supplies, or  
6 plans related to the health of an individual, including:

7                   (A) preventive, diagnostic, therapeutic,  
8 rehabilitative, maintenance, or palliative care, counseling,  
9 service, assessment, or treatment related to the physical or mental  
10 condition or function of an individual or the structure or function  
11 of the body;

12                   (B) the sale or dispensing of a drug, device,  
13 equipment, or other item in accordance with a prescription; and

14                   (C) provision or payment by an individual or  
15 group health benefit plan of the cost of care, services, or supplies  
16 related to the health of an individual. The term does not include  
17 care, services, supplies, or plans provided by the United States  
18 Department of Defense and United States Department of Veterans  
19 Affairs, or provided to Native Americans.

20           SECTION 3. TEXAS HEALTH CARE COMPACT ADVISORY COMMITTEE.  
21 The Texas Health Care Compact Advisory Committee is established to  
22 make recommendations to the legislature and governor on the  
23 implementation of the Interstate Health Care Compact in this state.

24           SECTION 4. MEMBERSHIP. (a) The committee is composed of 15  
25 members, appointed as follows:

26                   (1) five members appointed by the governor;

27                   (2) five members appointed by the lieutenant governor;

1 and

2 (3) five members appointed by the speaker of the house  
3 of representatives.

4 (b) The governor shall select the presiding officer of the  
5 committee from the membership of the committee.

6 SECTION 5. POWERS AND DUTIES. (a) The committee shall:

7 (1) examine the state's capability to assume  
8 regulatory authority over health care;

9 (2) recommend:

10 (A) the appropriate scope of authority and  
11 responsibility for the state consistent with the state's capability  
12 to assume regulatory authority over health care;

13 (B) an organizational structure to exercise  
14 regulatory authority over health care;

15 (C) a timetable for implementation; and

16 (D) specific amendments to state laws and  
17 regulations that are necessary to implement the committee's  
18 recommendations under this subdivision; and

19 (3) estimate funding requirements to implement the  
20 recommendations.

21 (b) The committee shall hold public hearings on the state's  
22 capability to assume regulatory authority over health care.

23 (c) The committee may adopt rules necessary to conduct  
24 business under and implement this Act.

25 SECTION 6. SUPPORT. (a) The committee may request  
26 assistance from any state executive or legislative governmental  
27 entity.

1           (b) The committee may solicit and accept gifts and grants  
2 for the support of the committee's activities.

3           (c) The legislature may appropriate funds for the support of  
4 the committee's activities.

5           (d) The committee may employ staff.

6           SECTION 7. REPORT. Not later than December 1, 2012, the  
7 committee shall report to the governor and the legislature the  
8 recommendations made under Section 5 of this Act.

9           SECTION 8. EXPIRATION. This Act expires August 31, 2013.

10          SECTION 9. EFFECTIVE DATE. This Act takes effect September  
11 1, 2011, but only if Senate Bill 25 or another bill of the 82nd  
12 Legislature, Regular Session, 2011, enacting the Interstate Health  
13 Care Compact becomes law. If that bill does not become law, this Act  
14 has no effect.