

By: Ellis

S.B. No. 1821

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Texas HIV Medication Advisory
3 Committee.

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

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

7 SUBCHAPTER K. TEXAS HIV MEDICATION ADVISORY COMMITTEE

8 Sec. 85.271. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

23 (2) one physician who is actively engaged in the
24 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.