

By: Davis of Harris

H.B. No. 328

A BILL TO BE ENTITLED

AN ACT

relating to emergency health care services and trauma care systems.

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

SECTION 1. Subchapter B, Chapter 773, Health and Safety Code, is amended by adding Section 773.026 to read as follows:

Sec. 773.026. EMERGENCY HEALTH CARE SERVICES COORDINATION PLAN. (a) The administrative cooperatives designated under Section 773.125, in consultation with each trauma service area regional advisory council and the advisory council established by Section 773.012, shall collectively develop a written 25-year plan for coordinating emergency health care services throughout this state.

(b) The emergency health care services coordination plan must include strategies to provide services for:

- (1) trauma care;
- (2) stroke care;
- (3) cardiac care;
- (4) neonatal care;
- (5) maternal care;
- (6) mental health crisis care;
- (7) emergency medical services coordination; and
- (8) any other area of care provided under the authority of a trauma service area regional advisory council.

(c) The administrative cooperatives and advisory councils

1 shall develop and submit the emergency health care services
2 coordination plan to the department not later than September 1,
3 2021. This subsection expires September 1, 2022.

4 SECTION 2. Section 773.112, Health and Safety Code, is
5 amended by adding Subsection (d) to read as follows:

6 (d) The executive commissioner, in consultation with the
7 department, shall conduct a comprehensive review of the rules
8 adopted under this section every seven years.

9 SECTION 3. Subchapter E, Chapter 773, Health and Safety
10 Code, is amended by adding Sections 773.125, 773.126, 773.127, and
11 773.128 to read as follows:

12 Sec. 773.125. ADMINISTRATIVE COOPERATIVES: DESIGNATION.

13 (a) The department shall designate eight or more administrative
14 cooperatives to provide administrative functions for each trauma
15 service area regional advisory council located in the public health
16 region served by the cooperative. When designating the
17 administrative cooperative for a public health region, the
18 department shall consider:

19 (1) any local support for an administrative
20 cooperative applicant within the public health region; and

21 (2) the geographic area of and number of individuals
22 served by each trauma service area regional advisory council
23 located in the public health region.

24 (b) A trauma service area regional advisory council may
25 apply to the department in accordance with department rules to be
26 designated as an administrative cooperative for other trauma
27 service area regional advisory councils in the public health

1 region.

2 (c) An applicant must demonstrate the applicant has the
3 personnel, knowledge, skills, and resources necessary to provide
4 the administrative functions for each trauma service area regional
5 advisory council in the applicant's public health region.

6 (c-1) An applicant must submit an initial application under
7 Subsection (b) not later than December 1, 2018. The department
8 shall designate qualified applicants to serve as administrative
9 cooperatives not later than December 1, 2019. An applicant
10 designated to serve as an administrative cooperative under this
11 subsection shall carry out the duties imposed by Section 773.126 as
12 soon as practicable after the selection and not later than December
13 1, 2020. This subsection expires September 1, 2021.

14 (d) If a trauma service area regional advisory council
15 eligible to serve as an administrative cooperative under this
16 section has not applied for the designation in a public health
17 region, the department shall designate the trauma service area
18 regional advisory council with the most appropriate qualifications
19 in the public health region to serve as the administrative
20 cooperative for that region.

21 Sec. 773.126. ADMINISTRATIVE COOPERATIVES: DUTIES. (a)
22 Except as provided by Section 773.128, an administrative
23 cooperative shall perform all administrative functions, including
24 contract management, grant application management, employee
25 benefit management, human resource management, and payroll, for
26 each trauma service area regional advisory council under the
27 cooperative's jurisdiction. Administrative functions do not

1 include program activities or activity coordination performed by a
2 trauma service area regional advisory council under the
3 administrative cooperative's jurisdiction.

4 (b) The department shall directly contract with an
5 administrative cooperative for administrative duties provided by
6 the cooperative as required by this section.

7 (c) An administrative cooperative shall administer and
8 distribute funds to each trauma service area regional advisory
9 council under the cooperative's jurisdiction in accordance with
10 department rules. In adopting rules under this subsection, the
11 executive commissioner shall require an administrative cooperative
12 to distribute funds according to a trauma service area regional
13 advisory council's population, annual number of trauma care runs,
14 geographic size, and annual number of deaths.

15 (d) An administrative cooperative shall enter into a
16 centralized purchasing agreement with the trauma service area
17 regional advisory councils under the cooperative's jurisdiction
18 and other cooperatives to consolidate purchases for the trauma
19 service area regional advisory councils as appropriate.

20 (e) An administrative cooperative shall submit to the
21 department in the manner required by the department an annual
22 report on the amount of money spent by the administrative
23 cooperative in providing consolidated administrative services for
24 the trauma service area regional advisory councils under the
25 cooperative's jurisdiction compared to the amount of money that
26 would have been spent if each trauma service area regional advisory
27 council had provided its own administrative services.

1 Sec. 773.127. ADMINISTRATIVE COOPERATIVES: TRANSFER OF
2 TRAUMA SERVICE AREA REGIONAL ADVISORY COUNCILS. (a) A trauma
3 service area regional advisory council may apply to the department
4 in accordance with department rules for a transfer from the
5 jurisdiction of the trauma service area regional advisory council's
6 administrative cooperative to the jurisdiction of another
7 administrative cooperative willing and capable of providing
8 administrative services for the trauma service area regional
9 advisory council in a more cost-effective manner than the current
10 administrative cooperative's provision of the services.

11 (b) The executive commissioner shall develop criteria for
12 determining whether an administrative cooperative has the
13 personnel, knowledge, skills, and resources necessary to provide
14 administrative services in a more cost-effective manner for a
15 trauma service area regional advisory council applying for a
16 transfer to that administrative cooperative's jurisdiction under
17 this section.

18 Sec. 773.128. ADMINISTRATIVE COOPERATIVES: REQUEST BY
19 TRAUMA SERVICE AREA REGIONAL ADVISORY COUNCIL TO RETAIN CERTAIN
20 ADMINISTRATIVE FUNCTIONS. (a) A trauma service area regional
21 advisory council may file a written request with the department to
22 retain an administrative function delegated to an administrative
23 cooperative. The request must include evidence the trauma service
24 area regional advisory council has the personnel, knowledge,
25 skills, and resources necessary to perform the administrative
26 function in a more cost-effective manner than the current
27 administrative cooperative's performance of the function.

1 (b) The department shall grant a request that includes
2 sufficient evidence for the department to determine the trauma
3 service area regional advisory council has the personnel,
4 knowledge, skills, and resources required by this section and shall
5 notify the administrative cooperative of the department's
6 decision.

7 SECTION 4. The executive commissioner of the Health and
8 Human Services Commission shall adopt all rules necessary to
9 implement the change in law made by this Act not later than May 1,
10 2018.

11 SECTION 5. The change in law made by this Act applies only
12 to a contract executed on or after the effective date of this Act. A
13 contract executed before the effective date of this Act is governed
14 by the law applicable to the contract immediately before the
15 effective date of this Act, and that law is continued in effect for
16 that purpose.

17 SECTION 6. This Act takes effect December 1, 2017.