

## **BILL ANALYSIS**

Senate Research Center  
87R8241 MCF-D

S.B. 970  
By: Kolkhorst  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law has numerous statutory programs and reporting requirements for the Department of State Health Services (DSHS) and the Health and Human Services Commission (HHSC). Some of these programs are no longer funded or were never implemented due to a lack of funding.

S.B. 970 repeals several defunct programs, unfunded mandates, and antiquated reporting requirements that are currently required of DSHS and HHSC. By repealing these requirements, S.B. 970 seeks to modernize state law to more accurately reflect the current functions and statutory requirements of DSHS and HHSC.

As proposed, S.B. 970 amends current law relating to the repeal of certain provisions related to health and human services.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 5 (Section 146.005, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is rescinded in SECTION 1 (Sections 39.003, 43.004, 43.006, 43.007, 43.009, 94.004, 95.055, and 146.025, Health and Safety Code), of this bill.

Rulemaking authority previously granted to the Department of State Health Services is rescinded in SECTION 1 (Section 431.458, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. (a) Repealer: Section 38.064 (Report to Legislature), Education Code.

(b) (1) Repealer: Chapter 39 (Children's Outreach Heart Program), Health and Safety Code.

(2) Repealer: Sections 43.003(a)(3), (4), and (5) (relating to the definitions of "other benefit," "provider," and "support"), Health and Safety Code.

(3) Repealer: Sections 43.004(a), (b), (c), and (f) (relating to the establishment, rules, provisioning, and furnishing of the Oral Health Improvement Services Program), Health and Safety Code.

(4) Repealer: Section 43.006 (Service Providers), Health and Safety Code.

(5) Repealer: Section 43.007 (Individual Referral and Application for Services), Health and Safety Code.

(6) Repealer: Section 43.008 (Eligibility for Services), Health and Safety Code.

- (7) Repealer: Section 43.009 (Denial, Modification, Suspension, or Termination of Services), Health and Safety Code.
- (8) Repealer: Section 43.010 (Financial Eligibility; Other Benefits), Health and Safety Code.
- (9) Repealer: Section 43.011 (Recovery of Costs), Health and Safety Code.
- (10) Repealer: Section 43.012 (Fees), Health and Safety Code.
- (11) Repealer: Section 43.013 (Funds), Health and Safety Code.
- (12) Repealer: Section 43.014 (Contracts), Health and Safety Code.
- (13) Repealer: Section 81.307 (Device Registration), Health and Safety Code.
- (14) Repealer: Section 92.003 (Reporting Requirements), Health and Safety Code.
- (15) Repealer: Section 92.010 (Coordination with Department of Assistive and Rehabilitative Services), Health and Safety Code.
- (16) Repealer: Section 94.004 (Training of Counselors), Health and Safety Code.
- (17) Repealer: Subchapter B (Diabetes Mellitus Registry), Chapter 95 (Diabetes), Health and Safety Code.
- (18) Repealer: Chapter 97 (Arthritis Control and Prevention), Health and Safety Code.
- (19) Repealer: Section 104.0156 (Health Care Information Technology Advisory Committee), Health and Safety Code.
- (20) Repealer: Section 105.007 (Clearinghouse), Health and Safety Code.
- (21) Repealer: Section 146.0021 (Employment of Tattooists and Body Piercers; Registration Required), Health and Safety Code.
- (22) Repealer: Section 146.022 (Registration Required for Tattooists and Body Piercers), Health and Safety Code.
- (23) Repealer: Section 146.023 (Registration Application), Health and Safety Code.
- (24) Repealer: Section 146.024 (Registration Term; Renewal), Health and Safety Code.
- (25) Repealer: Section 146.025 (Course of Instruction for Tattooists and Body Piercers; Rules; Fees), Health and Safety Code.
- (26) Repealer: Section 161.353 (Nicotine Yield Rates), Health and Safety Code.
- (27) Repealer: Section 168.010 (Diabetes Intervention Pilot Program for School Districts Located on the Texas-Mexico Border), Health and Safety Code.
- (28) Repealer: Section 431.408 (Bond), Health and Safety Code.
- (29) Repealer: Subchapter O (Prescription Drug Donation Pilot Program), Chapter 431 (Texas Food, Drug, and Cosmetic Act), Health and Safety Code.
- (30) Repealer: Section 673.004 (Model Program), Health and Safety Code.

(c) Repealer: Chapter 131 (Health and Human Services Office of Community Transportation Services), Human Resources Code.

SECTION 2. Amends Section 43.003(a)(2), Health and Safety Code, to delete existing text including in the definition of "oral health services," preventative or treatment services affecting the structures of the mouth, including the hard and soft tissues such as teeth, jaws, gums, vestibule, tongue, cheeks, lips, floor and roof of the mouth, and adjacent masticatory structures. Makes nonsubstantive changes.

SECTION 3. Amends Section 43.004(d), Health and Safety Code, as follows:

(d) Authorizes the Department of State Health Services (DSHS) to establish an oral health services program that is authorized to consist of all or any combination of certain functions. Deletes existing text authorizing the program to consist of all or any combination of treatment services for eligible individuals, including emergency care for relief of pain and infection, including extractions and basic restorative services to prevent premature loss of teeth, periodontal therapy for the prevention and treatment of periodontal disease, endodontics to maintain aesthetics and occlusion, orthodontic care only in cases of severely handicapping malocclusion, and oral surgery and prosthetics in cases in which health is impaired, and a program of oral disease prevention, including the development of appropriate means for prevention of oral disease, including the continued use of recognized methods of primary, secondary, and tertiary prevention. Makes nonsubstantive changes.

SECTION 4. Amends Section 101.008, Health and Safety Code, to delete existing text requiring DSHS to maintain a population data base of persons with Alzheimer's disease and related disorders in Texas. Makes nonsubstantive changes.

SECTION 5. Amends Section 146.005, Health and Safety Code, to require the executive commissioner of the Health and Human Services Commission (HHSC) by rule to set license and license renewal fees, rather than license and registration fees and license and registration renewal fees, in amounts necessary to administer Chapter 146 (Tattoo and Certain Body Piercing Studios), rather than in amounts necessary for DSHS to administer Chapter 146.

SECTION 6. Amends Section 146.021(c), Health and Safety Code, to require DSHS, if the license holder, rather than the license or registration holder, cannot be located for a notice required under Section 146.021 (Emergency Orders), to provide notice by posting a copy of the order on the front door of the premises of the license holder, rather than of the premises of the license holder or the premises where the registration holder is employed.

SECTION 7. Amends Section 161.0074(c), Health and Safety Code, to delete existing text requiring that the report by DSHS used to develop ways to increase immunization rates include DSHS recommendations about the best way to use, and communicate with, local registries in Texas. Makes nonsubstantive changes.

SECTION 8. Amends Section 161.352(a), Health and Safety Code, to delete existing text requiring that the annual report filed with DSHS by each manufacturer for each cigarette or tobacco product distributed in Texas include a nicotine yield rating for a cigarette or tobacco product established under Section 161.353. Makes nonsubstantive changes.

SECTION 9. Amends Sections 431.4031(a) and (b), Health and Safety Code, as follows:

(a) Deletes existing text including Section 431.408 in the list of certain sections from which a wholesale distributor that distributes prescription drugs that are medical gases or a wholesale distributor that is a manufacturer or a third-party logistics provider on behalf of a manufacturer is exempt.

(b) Deletes existing text including Section 431.408 in the list of certain sections from which a state agency or a political subdivision of this state that distributes prescription

drugs using federal or state funding to nonprofit health care facilities or local mental health or mental retardation authorities for distribution to a pharmacy, practitioner, or patient is exempt.

SECTION 10. Provides that on the effective date of this Act:

(1) the following are abolished:

- (A) the children's outreach heart program;
- (B) the oral health improvement services program;
- (C) the arthritis control and prevention program;
- (D) the health care information technology advisory committee;
- (E) the diabetes intervention pilot program;
- (F) the prescription drug donation pilot program; and
- (G) the Health and Human Services Office of Community Transportation Services;

(2) any remaining obligations, rights, contracts, records, real and personal property, funds, appropriations, and money of the children's outreach heart program, the arthritis control and prevention program, the oral health improvement services program, the diabetes intervention pilot program, and the prescription drug donation pilot program are transferred to DSHS;

(3) any remaining obligations, rights, contracts, records, real and personal property, funds, appropriations, and money of the health care information technology advisory committee are transferred to the statewide health coordinating council under Subchapter B (Statewide Health Coordinating Council), Chapter 104 (Statewide Health Coordinating Council and State Health Plan), Health and Safety Code; and

(4) any remaining obligations, rights, contracts, records, real and personal property, funds, appropriations, and money of the Health and Human Services Office of Community Transportation Services are transferred to HHSC.

SECTION 11. Effective date: September 1, 2021.