

By: Cortez

H.B. No. 3562

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Public Health Crisis and  
Pandemic Council.

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 110 to read as follows:

CHAPTER 110. TEXAS PUBLIC HEALTH CRISIS AND PANDEMIC COUNCIL

Sec. 110.001. DEFINITIONS. In this chapter:

(1) "Council" means the Texas Public Health Crisis and  
Pandemic Council.

(2) "Nonprofit hospital organization" means a  
hospital or hospital-based organization that is exempt from federal  
income tax under Section 501(a) of the Internal Revenue Code of 1986  
(26 U.S.C. Section 501(a)).

(3) "Personal protective equipment" means specialized  
clothing or equipment worn for protection against communicable and  
infectious diseases.

Sec. 110.002. ESTABLISHMENT; ADMINISTRATIVE SUPPORT. (a)  
The Texas Public Health Crisis and Pandemic Council is an  
interdisciplinary council of appointed physicians and scientists  
that is established to collect data, conduct research, and advise  
the governor and legislature on this state's response to the 2019  
novel coronavirus disease (COVID-19) pandemic and any other public  
health crisis, epidemic, or pandemic that directly impacts the

1 health of the residents of this state.

2 (b) The Texas Medical Board shall provide administrative  
3 support to the council to assist the council with discharging the  
4 council's duties under this chapter.

5 Sec. 110.003. COMPOSITION OF COUNCIL. (a) The council is  
6 composed of at least 17 members as follows:

7 (1) members who represent each major health care  
8 specialty field;

9 (2) at least three members who represent nonprofit  
10 hospital organizations, including:

11 (A) one member who represents a large hospital;

12 (B) one member who represents a small hospital;

13 and

14 (C) one member who represents a hospital-based  
15 physician practice; and

16 (3) the presiding officer of the Texas Medical Board.

17 (b) The governor shall appoint the council members  
18 described by Subsections (a)(1) and (2) from a list of names  
19 recommended by the Texas Medical Board.

20 Sec. 110.004. TERMS; VACANCY. (a) Council members serve  
21 staggered four-year terms.

22 (b) A member may serve not more than three terms.

23 (c) If a vacancy occurs on the council, a person shall be  
24 appointed to fill the vacancy for the unexpired term.

25 Sec. 110.005. PRESIDING OFFICER. The presiding officer of  
26 the Texas Medical Board shall serve as the presiding officer of the  
27 council.

1       Sec. 110.006. COMPENSATION AND REIMBURSEMENT. A member of  
2 the council may not receive compensation for service on the council  
3 but is entitled to reimbursement of the travel expenses incurred by  
4 the member while conducting the business of the council, as  
5 provided by the General Appropriations Act.

6       Sec. 110.007. MEETINGS; QUORUM. (a) The council shall meet  
7 at least twice each calendar year.

8       (b) The presiding officer may call additional meetings of  
9 the council as necessary during a public health crisis, epidemic,  
10 or pandemic to:

11           (1) provide specific guidance and recommendations to  
12 the governor and legislature on the health care needs of the  
13 residents of this state during the crisis, epidemic, or pandemic  
14 while ensuring the best interests for residents' health and the  
15 needs of the businesses and economy of this state; and

16           (2) assess the crisis, epidemic, or pandemic and  
17 prepare for future crises, epidemics, or pandemics by providing  
18 guidance to the governor, legislature, health care systems,  
19 businesses, and individuals concerning the best interests for  
20 residents' health and needs of the businesses and economy of this  
21 state.

22       (c) A majority of the council members constitutes a quorum  
23 for transacting council business.

24       Sec. 110.008. DUTIES. (a) The council shall collect data,  
25 conduct research, and study the impact of a public health crisis,  
26 epidemic, or pandemic on the health of the residents of this state,  
27 including:

1           (1) the impact of the virus or other contagion on the  
2 health of infected individuals and the lasting health effects of  
3 the virus or contagion on those individuals;

4           (2) the development of any treatments, therapies, or  
5 immunities for the virus or contagion; and

6           (3) the development of vaccines against the virus or  
7 contagion, including the efficacy of each vaccine.

8           (b) The council shall provide assistance in developing  
9 guidelines for the delivery of health care during a public health  
10 crisis, epidemic, or pandemic, including whether certain  
11 examinations, procedures, surgeries, or treatments should be  
12 suspended during the crisis, epidemic, or pandemic. The council may  
13 provide specific medical and safety guidance for health care  
14 providers and make recommendations related to that guidance to the  
15 governor and legislature.

16           (c) During a public health crisis, epidemic, or pandemic,  
17 the council shall:

18           (1) assist the governor in disseminating health care  
19 policies and other relevant information to health care providers  
20 and the public; and

21           (2) serve as a liaison between health care specialty  
22 organizations in this state and the governor, legislature, and  
23 relevant standing committees of the legislature.

24           (d) The council:

25           (1) shall provide guidance on the use of personal  
26 protective equipment by health care providers, businesses, and  
27 individuals that serves the best interests of the health and

1 well-being of residents of this state;

2 (2) shall monitor the state's need for personal  
3 protective equipment in all settings; and

4 (3) may recommend the acquisition and storage of  
5 additional personal protective equipment in this state during or in  
6 preparation for a crisis, epidemic, or pandemic.

7 Sec. 110.009. APPLICATION OF OTHER LAW. The council is not  
8 subject to Chapter 2110, Government Code.

9 SECTION 2. As soon as practicable after the effective date  
10 of this Act, the governor shall appoint the Texas Public Health  
11 Crisis and Pandemic Council members as required by Chapter 110,  
12 Health and Safety Code, as added by this Act.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2021.