

BILL ANALYSIS

Senate Research Center
79R12187 UM-F

C.S.S.B. 330
By: Deuell
Health & Human Services
4/13/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Strokes account for a significant number of deaths in Texas. After a stroke, every minute that elapses without treatment significantly reduces the victim's chance for survival. C.S.S.B. 330 establishes a program for hospitals receive a designation as a primary stroke facility in order that they may be prepared to treat stroke victims quickly and effectively.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 (Section 773.205, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the Department of State Health Services in SECTION 3 (Section 773.209, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

[While statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

SECTION 1. Amends Section 773.001, Health and Safety Code, to authorize this chapter to be cited as the Emergency Health Care Act, rather than the Emergency Medical Services Act.

SECTION 2. Amends Section 773.003, Health and Safety Code, to redefine "department" and define "executive commissioner."

SECTION 3. Amends Chapter 773, Health and Safety Code, by adding Subchapter H, as follows:

SUBCHAPTER H. EMERGENCY STROKE SERVICES

Sec. 773.201. LEGISLATIVE INTENT. Sets forth legislative findings and intent relating to stroke survival.

Sec. 773.202. DEFINITIONS. Defines "advisory council," "stroke committee," and "stroke facility."

Sec. 773.203. STROKE COMMITTEE. (a) Requires the advisory council for the Texas Board of Health (advisory Council) to appoint a stroke committee to assist it in the development of a statewide stroke plan.

(b) Sets forth requirements for composition of the stroke committee.

(c) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the stroke committee.

Sec. 773.204. DUTIES OF STROKE COMMITTEE; DEVELOPMENT OF STROKE PLAN. (a) Requires the advisory council, with the assistance of the stroke committee and in collaboration with the Texas Council on Cardiovascular Disease and Stroke, to

develop a statewide stroke plan and assist the Department of State Health Services (DSHS) in developing stroke facility designation criteria.

(b) Sets forth requirements for inclusion in the stroke plan.

(c) Requires the stroke committee to advise the executive commissioner of the Health and Human Services Commission (executive commissioner) regarding administrative penalties for violations of this subchapter.

Sec. 773.205. STROKE FACILITY DESIGNATION. (a) Requires DSHS to designate stroke facilities that are a part of an emergency medical services and trauma care system in accordance with rules adopted by the executive commissioner.

(b) Authorizes a health care facility to apply to DSHS for designation as a stroke facility, and requires DSHS to grant the designation if the facility meets requirements for designation.

(c) Requires the executive commissioner to adopt rules regarding the criteria necessary for a health care facility to be designated a stroke facility. Requires the executive commissioner, in adopting rules, to consult the criteria for stroke facilities established by national medical organizations.

(d) Prohibits DSHS from setting an arbitrary limit on the number of health care facilities designated as stroke facilities.

(e) Requires the rules for designation to require a health care facility to have a health care professional available at all times who is knowledgeable about stroke care and capable of carrying out acute stroke therapy and record patient treatment and outcomes.

Sec. 773.206. USE OF DESIGNATION. Prohibits a health care facility, after September 1, 2007, from using certain terminology in printed materials seen by or given to the public unless it has been designated as a primary stroke center under this subchapter.

Sec. 773.207. FEES. (a) Requires DSHS to charge a fee in accordance with this section to a health care facility that applies for initial or renewal designation as a stroke facility.

(b) Requires DSHS, to the extent feasible, to establish a schedule of fees as necessary for DSHS to recover the cost directly related to the designation of stroke facilities under this subchapter.

(c) Requires DSHS to determine the amount of the fee for initial or renewal designation for a health care facility according to the number of beds in the facility.

Sec. 773.208. DENIAL, SUSPENSION, OR REVOCATION OF DESIGNATION. (a) Authorizes DSHS to deny, suspend, or revoke a health care facility's designation as a stroke facility if the facility fails to comply with the rules adopted under this subchapter.

(b) Provides that the denial, suspension, or revocation of a designation by DSHS and the appeal from that action are governed by DSHS's rules for a contested case and hearing and by Chapter 2001 (Administrative Procedure), Government Code.

Sec. 773.209. GRANT PROGRAMS. (a) Requires DSHS to establish programs to award grants to initiate, expand, maintain, and improve stroke care in accordance with Subsections (b) and (c).

(b) Requires DSHS, by rule, to establish eligibility criteria for awarding grants to rural health care facilities located in counties with a population of less than 250,000. Requires the rules to require the grant recipient to use the grant funds for certain purposes.

(c) Requires DSHS, by rule, to establish eligibility criteria for awarding grants to assist designated stroke facilities to maintain the designation. Requires the rules to require the grant recipient to use grant funds for certain purposes.

(d) Requires DSHS, by rule, to require each recipient of a grant under Subsection (c) to meet certain requirements regarding public stroke education.

(e) Prohibits money in the fund for emergency medical services, trauma facilities, and trauma care systems established under Section 773.006 (Fund for Emergency Medical Services, Trauma Facilities, and Trauma Care Systems) to be used to fund the grant programs under this subchapter.

(f) Authorizes DSHS to use funds appropriated for the grant programs to pay for administrative expenses incurred in implementing the grant programs as provided by the General Appropriations Act.

Sec. 773.210. ADMINISTRATIVE PENALTY. Requires the executive commissioner to adopt rules imposing an administrative penalty for a violation of this subchapter. Requires the rules to specify a maximum penalty in an amount necessary and appropriate to deter a violation of this chapter and provide the procedures consistent with Subchapter C, Chapter 2001, Government Code.

SECTION 4. Amends Section 411.110(a), Government Code, to make conforming changes.

SECTION 5. (a) Requires the advisory council to establish a stroke committee as required by Section 773.203, Health and Safety Code, as added by this Act, not later than January 1, 2006.

(b) Requires the advisory council to develop a statewide stroke plan and assist DSHS in developing criteria for stroke facility designation as required by Section 773.204, Health and Safety Code, as added by this Act, not later than January 1, 2007.

(c) Requires the executive commissioner to adopt rules governing the designation of stroke facilities as required by Section 773.205, Health and Safety Code, as added by this Act, not later than January 1, 2007.

(d) Authorizes a health care facility to apply for designation as a stroke facility on or after January 2, 2007.

SECTION 6. Effective date: September 1, 2005.