

BILL ANALYSIS

Senate Research Center
84R1895 JSC-D

S.B. 277
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 277 repeals 16 health-related task forces and advisory committees that are no longer needed, are inactive, or have fulfilled their purpose.

Specifically, S.B. 277 removes the following from statute:

- Information and Referral System Task Force
- Volunteer Advocate Program Advisory Committee
- Medicaid and Public Assistance Fraud Oversight Task Force
- Office of Early Childhood Coordination Advisory Committee
- Work Group on Uncompensated Hospital Care
- Sickle Cell Advisory Committee
- Arthritis Advisory Committee
- Youth Camp Training Advisory Committee
- Home and Community Support Services Advisory Council
- Be a Blood Donor Advisory Committee
- Advisory Committee on Assisted Living Facilities
- Texas Food, Drug, and Cosmetic Act Advisory Committee
- Advisory Committee on Inpatient Mental Health Services
- Texas Medical Child Abuse Resources and Education System Advisory Committee
- Advisory Committee for Services to Aged and Disabled Persons
- Interagency Inspection Task Force

As proposed, S.B. 277 amends current law relating to the abolition of certain health-related task forces, work groups, advisory councils, and advisory committees.

[**Note:** While the 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.]

[**Note:** While the statutory reference in this bill is to the Texas Department of Human Services (TDHS), the following amendments affect the Health and Human Services Commission and the Department of Aging and Disability Services, as the successor agencies to TDHS.]

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 5 (Section 531.551, Government Code) and SECTION 8 (Section 141.0095, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Provides that the Information and Referral System Task Force is abolished

(b) Repealer: Section 531.0314 (Information and Referral System Task Force), Government Code.

SECTION 2. (a) Provides that the Volunteer Advocate Program Advisory Committee is abolished.

(b) Amends Sections 531.057(b) and (c), as follows:

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner of HHSC) to develop, rather than requires the executive commissioner to coordinate with the advisory committee established under Section 531.0571 to develop, a volunteer advocate program for the elderly receiving services from or under the direction of HHSC or a health and human services agency.

(c) Makes a conforming change.

(c) Repealer: Section 531.0571 (Volunteer Advocate Program Advisory Committee), Government Code.

SECTION 3. (a) Provides that the Medicaid and Public Assistance Fraud Oversight Task Force is abolished.

(b) Amends Section 22.028(c), Human Resources Code, to require the Texas Department of Human Services (TDHS), not later than the first day of each month, to send the comptroller a report listing the accounts on which enforcement actions or other steps were taken by TDHS in response to the records received from the EBT operator under this section, and the action taken by TDHS. Requires the comptroller of public accounts of the State of Texas (comptroller) to promptly review the report and, as appropriate, may solicit the advice of the office of the inspector general regarding the results of TDHS's enforcement actions.

(c) Repealer: Section 531.107 (Medicaid and Public Assistance Fraud Oversight Task Force), Government Code.

SECTION 4. (a) Provides that the Office of Early Childhood Coordination Advisory Committee is abolished.

(b) Amends Section 531.281, Government Code, to define "office," and delete existing text defining "advisory committee."

(c) Repealer: Section 531.286 (Advisory Committee), Government Code.

SECTION 5. (a) Provides the Work Group on Uncompensated Hospital Care is abolished.

(b) Amends Section 531.551(a), Government Code, to require the executive commissioner to adopt rules providing for:

(1) Makes no change to this subdivision;

(2) a methodology to be used by hospitals in this state to compute the cost of that care, rather than a methodology to be used by hospitals in this state to compute the cost of that care that incorporates the standard set of adjustments described by Section 531.552(g)(4); and

(3) Makes no change to this subdivision.

(c) Repealer: Section 531.552 (Work Group on Uncompensated Hospital Care), Government Code.

SECTION 6. (a) Provides that the Sickle Cell Advisory Committee is abolished.

(b) Amends Section 33.052, Health and Safety Code, as follows:

Sec. 33.052. DUTIES OF DEPARTMENT. Requires the Texas Department of Health (TDH) to identify efforts related to the expansion and coordination of education, treatment, and continuity of care programs for individuals with sickle cell trait and sickle cell disease

Deletes existing designation as Subdivision (1). Deletes existing Subdivision (2) requiring TDH to assist the advisory committee created under Section 33.053. Deletes existing Subdivision (3) requiring TDH to provide the advisory committee created under Section 33.053 with staff support necessary for the advisory committee to fulfill its duties.

(c) Repealer: Section 33.053 (Advisory Committee), Health and Safety Code.

SECTION 7. (a) Provides that the Arthritis Advisory Committee is abolished.

(b) Repealer: Section 97.007 (Arthritis Advisory Committee), Health and Safety Code.

SECTION 8. (a) Provides that the Youth Camp Training Advisory Committee is abolished.

(b) Amends Section 141.0095(d), Health and Safety Code, to require the executive commissioner, in accordance with this section, rather in accordance with this section and the criteria and guidelines developed by the training advisory committee established under Section 141.0096, to by rule establish criteria and guidelines for training and examination programs on sexual abuse and child molestation.

(c) Repealer: Section 141.0096 (Training Advisory Committee), Health and Safety Code.

SECTION 9. (a) Provides that the Home and Community Support Services Advisory Council is abolished.

(b) Amends Section 142.009(1), Health and Safety Code, to require the Texas Department of Aging and Disability Services (DADS) and other state agencies that are under HHSC and that contract with home and community support services to deliver services for which a license is required under this chapter to execute a memorandum of understanding that establishes procedures to eliminate or reduce duplication of standards or conflicts between standards and of functions in license, certification, or compliance surveys and complaint investigation. Requires the memorandum of understanding to be approved by HHSC. Deletes existing text requiring HHSC to review the recommendation of the Home and Community Support Services Advisory Council relating to the memorandum of understanding before considering approval.

(c) Repealer: Sections 142.001(10) (defining "council") and 142.015 (Advisory Council), Health and Safety Code.

SECTION 10. (a) Provides that the Be a Blood Donor Advisory Committee is abolished.

(b) Repealer: Section 162.017 (Be a Blood Donor Advisory Committee), Health and Safety Code.

SECTION 11. (a) Provides that the Advisory Committee on Assisted Living Facilities is abolished.

(b) Repealer: Section 247.006 (Advisory Committee), Health and Safety Code.

SECTION 12. (a) Provides that the Texas Food, Drug, and Cosmetic Act Advisory Committee is abolished.

(b) Repealer: Section 431.275 (Advisory Committee), Health and Safety Code.

SECTION 13. (a) Provides that the Advisory Committee on Inpatient Mental Health Services is abolished.

(b) Repealer: Section 571.027 (Advisory Committee on Inpatient Mental Health Services), Health and Safety Code.

SECTION 14. (a) Provides that the Texas Medical Child Abuse Resources and Education System Advisory Committee is abolished.

(b) Reenacts Section 1001.155, Health and Safety Code, as added by Chapter 1238 (S.B. 2080), Acts of the 81st Legislature, Regular Session, 2009, and amends it as follows:

Sec. 1001.155. **REQUIRED REPORT.** Requires the Department of State Health Services (DSHS) not later than December 1 of each even-number year, rather than requires DSHS with the assistance of the advisory committee established under this subchapter, to submit a report to the governor and the legislature regarding the grant activities of the program and grant recipients, including the results and outcomes of grants provided under this subchapter.

(c) Repealer: Section 1001.153 (Medicare Advisory Committee), Health and Safety Code, as added by Chapter 1238 (S.B. 2080), Acts of the 81st Legislature, Regular Session, 2009.

SECTION 15. (a) Provides that the Advisory Committee for Services to Aged and Disabled Persons is abolished.

(b) Repealer: Section 22.010 (Advisory Committee for Services to Aged and Disabled Persons), Human Resources Code.

SECTION 16. (a) Provides that the Interagency Inspection Task Force is abolished.

(b) Amends Section 42.0442(c), Human Resources Code, to require each state agency that inspects a facility listed in Subsection (a) to use an inspection checklist established by the Department of Family and Protective Services (DFPS) in performing an inspection. Requires a state agency to make a copy of the completed inspection checklist available to the facility at the facility's request to assist the facility in maintaining records.

(c) Repealer: Section 42.0442(b) (relating to requiring DFPS to form an interagency task force with the Department of Health, the Texas Department of Human Services, and the Texas Workforce Commission to develop an inspection protocol that will coordinate inspection by those agencies), Human Resources Code.

SECTION 17. Requires HHSC, if an entity that is abolished by this Act has property, records or other assets, to take custody of the entity's property, records, or other assets.

SECTION 18. Effective date: September 1, 2015.