

## **BILL ANALYSIS**

Senate Research Center  
76R13147 JRD-F

C.S.H.B. 2085  
By: McCall (Brown)  
Health Services  
4/29/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, the Texas Department of Health (TDH) is responsible for protecting and promoting the health of the citizens of Texas. TDH administers Medicaid acute services as well as other health care plans. TDH has broad regulatory authority over various health professions, health care facilities, and food and drug safety and environmental health matters. Federal funds account for approximately 60 percent of TDH's budget of \$6.5 billion. TDH is governed by the six-member Texas Board of Health (board), appointed by the governor, and assisted by 25 advisory committees. TDH is subject to the Texas Sunset Act and will be abolished on September 1, 1999, unless continued by the legislature. The Sunset Advisory Commission recommends continuation of TDH with several statutory modifications. C.S.H.B. 2085 would continue TDH until September 1, 2011, and would make modifications recommended by the Sunset Advisory Commission.

### **PURPOSE**

As proposed, C.S.H.B. 2085 sets forth provisions regarding the continuation of the Texas Department of Health until September 1, 2011.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Department of Health in SECTIONS 1.11 and 8.01 (Sections 12.0145(d) and 577.006(b)(c)(e), Health and Safety Code); and to the Texas Board of Health in SECTIONS 2.03, 19.02, 19.12, 19.13 and 19.15 (Sections 241.104(c), 733.041(e), 733.144(a)(b)(c)(d), 733.145 and 733.147(a), Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1.01. Amends Section 2003.021, Government Code, by adding Subsection (e), to require the State Office of Administrative Hearings (office) to conduct all hearings in contested cases under Chapter 2001 that are before the commissioner of public health (commissioner) or the Texas Board of Health (board) or Texas Department of Health (TDH).

SECTION 1.02. Amends Section 11.003, Health and Safety Code, to provide that the board and TDH are abolished and this chapter expires September 1, 2011, rather than 1999, unless continued by the Texas Sunset Act.

SECTION 1.03. Amends Chapter 11, Health and Safety Code, by adding Section 11.0045, as follows:

Sec. 11.0045. COMPREHENSIVE STRATEGIC AND OPERATIONAL PLAN. Requires the board to develop, publish, and to the extent allowed by law implement a comprehensive strategic and operational plan. Requires the board to publish the plan no later than September 1 of each even-numbered year. Requires the board at a minimum to meet certain conditions. Sets forth minimum requirements for the plan.

SECTION 1.04. Amends Chapter 11, Health and Safety Code, by adding Section 11.0055, as follows:

Sec. 11.0055. REQUIRED BOARD MEMBER TRAINING. Sets forth standard language developed by the Sunset Advisory Commission regarding board member training.

SECTION 1.05. Amends Section 11.006(a), Health and Safety Code, to set forth standard language developed by the Sunset Advisory Commission regarding conflicts of interest.

SECTION 1.06. Amends Section 11.009(c), Health and Safety Code, to set forth standard language developed by the Sunset Advisory Commission regarding removal.

SECTION 1.07. Amends Section 11.018(d), Health and Safety Code, to require TDH to maintain a complaint file to include certain information.

SECTION 1.08. Amends Chapter 12A, Health and Safety Code, by adding Sections 12.004 and 12.005, as follows:

Sec. 12.004. DEVELOPMENT OF PROPOSED RULES. Provides that this section applies to the process by which TDH develops proposed rules for the board's consideration before the proposed rules are published in the Texas Register and before the board, commissioner, or TDH complies with the rulemaking requirements of the administrative procedure law, Chapter 2001, Government Code. Provides that this section does not affect the duty of the board, commissioner, or TDH to comply with the rulemaking requirements of that law. Requires the board to require TDH to establish a checklist of methods that, to the extent appropriate, TDH will follow to obtain early in the rule development process the advice and opinions of the public and of perhaps who will be most affected by a proposed rule. Requires the checklist to include methods for identifying persons who will be most affected and for soliciting at a minimum the advice and opinions of affected local health departments, of recipients and providers of affected services, and of advocates for affected recipients or providers. Authorizes the checklist to include negotiated rulemaking, informal conferences, advisory committee, and any other appropriate method. Prohibits a rule adopted by the board from being challenged on the grounds that the board, commissioner, or TDH did not comply with this section. Requires TDH to state in writing to the board the reasons why TDH was unable to do so, if TDH was unable to solicit a significant amount of advice and opinion from the public or from affected persons early in the rule development process.

Sec. 12.005. MEDICAL DIRECTOR: MEDICAID MANAGED CARE AND CHIPS PROGRAMS. Requires the board to require TDH to employ a separate medical director whose duties consist of acting as the medical director for the children's health insurance program created under Title XXI of the Social Security Act (42 U.S.C. Section 1397aa et seq.) and also as the medical director for the Medicaid managed care program, to the extent that those programs are administered by TDH, in addition to any other medical director employed by TDH. Requires the medical director to be primarily responsible for implementing and maintaining policies and systems for the programs that relate to clinical and professional medical issues, including clinical oversight. Requires the medical director to be a physician licensed to practice medicine in this state.

SECTION 1.09. Amends Chapter 12B, Health and Safety Code, by adding Section 12.0115, as follows:

Sec. 12.0115. INTEGRATION OF HEALTH CARE DELIVERY PROGRAMS. Defines "health care delivery programs." Requires TDH to integrate the functions of its different health care delivery programs to the maximum extent possible. Requires TDH's integration of the functions of its different health care delivery programs to include the integration of certain conditions. Requires one of the primary goals of TDH in integrating the delivery of health care services for the benefit of recipients to be providing for continuity of care for individuals and families, accomplished to the extent possible by providing an individual or family with a medical home that serves as the primary initial health care provider. Requires one of the primary goals of TDH in integrating the administration of its contracts with providers of health care services to be designing an integrated contract administration system that reduces the administrative and paperwork burden on providers while still providing TDH with the information it needs to effectively administer the contracts. Requires TDH's integration of contract administration to include certain provisions. Requires TDH to examine the extent to which TDH could integrate all or part of its health care delivery programs into a single delivery system. Authorizes TDH to seek a waiver of the requirement from the federal government, if a federal requirement that the federal government may waive restricts TDH's integration efforts under this section. Requires TDH to request the single state agency to seek the waiver, if the waiver affects a program for which another state agency is designated the single state agency for federal purposes. Prohibits TDH from integrating health care delivery programs under this section in a way that affects the single state agency status of another state agency for federal purposes without obtaining the approval of the Health and Human Services Commission (HHSC) and any necessary federal approval.

SECTION 1.10. Amends Chapter 12B, Health and Safety Code, by adding Sections 12.0123 and 12.0124, as follows:

Sec. 12.0123. EXTERNAL AUDITS OF CERTAIN MEDICAID CONTRACTORS BASED ON RISK. Defines “Medicaid contractor.” Requires TDH to contract with an independent auditor to perform independent external financial and performance audits of any Medicaid contractor used by TDH in TDH’s operation of a part of the state Medicaid program. Requires TDH regularly to review its Medicaid contracts and ensure certain requirements. Requires the successor agency to comply with this section with regard to the Medicaid contractor, if another state agency succeeds to TDH’s operation of the part of the state Medicaid program for which TDH used a Medicaid contractor.

Sec. 12.0124. ELECTRONIC TRANSACTIONS; STATE MEDICAID PROGRAM. Requires TDH or TDH’s successor in function in relation to TDH’s operation of a part of the state Medicaid program to implement policies that encourage the use of electronic transactions. Requires the policies to require payment to Medicaid service providers by electronic funds transfer. Requires the policies to also include certain incentives and disincentives.

SECTION 1.11. Amends Chapter 12B, Health and Safety Code, by adding Sections 12.0145 and 12.0146, as follows:

Sec. 12.0145. INFORMATION ABOUT ENFORCEMENT ACTIONS. Requires TDH to publish and provide information in accordance with this section regarding each financial enforcement action taken by TDH, commissioner, or board against a person or facility regulated by TDH in which certain sanctions are imposed. Requires TDH to publish and provide the name, including any trade name, of the person or facility against which an enforcement action was taken, the violation that the person or facility was found to have committed, and the sanction imposed, except to the extent that the information is specifically made confidential under other law. Requires TDH to publish and provide the information in a way that does not serve to identify a complainant. Requires TDH to publish the information on its generally accessible Internet. Requires TDH also to provide the information by establishing a system under which members of the public can call toll-free numbers to obtain the information efficiently and with a minimum of delay. Requires TDH to appropriately publicize the toll-free numbers. Requires TDH to publish and provide the information promptly after the sanction has been imposed or, when applicable, promptly after the period during which the sanction is imposed has begun. Authorizes TDH, by rule, to establish the length of time during which the required information will be published and provided under this section based on TDH’s determination regarding the type of services provided by regulated entities and the length of time for which information about a category of enforcement actions is useful to a member of the public. Requires TDH to publish and provide the information using clear language that can be readily understood by a person with a high school education. Requires TDH to comply with this section and with the other law, if another law specifically requires that particular information subject to this section to be published in another manner. Provides that a determination that TDH is not required to publish and provide information under this section does not affect a determination regarding whether the information is subject to required disclosure under the open records law, Chapter 552, Government Code. Requires TDH’s determination regarding the length of the period during which the information to be preserved under Chapter 441, Government Code, or under another law.

Sec. 12.0146. TRENDS IN ENFORCEMENT. Requires TDH to publish annually an analysis of its enforcement actions taken under state law with regard to each profession, industry, or type of facility regulated by TDH. Requires the analysis for each regulatory area to show at minimum the year-to-year trends in the number and types of enforcement actions taken by TDH in its regulation of the profession, industry, or type of facility.

SECTION 1.12. Amends Section 466.001(a), Health and Safety Code, to make conforming changes.

SECTION 1.13. Amends Section 466.002, Health and Safety Code, to delete the definition of “commission.” Makes conforming changes.

SECTION 1.14. Amends Section 466.004(a), Health and Safety Code, to delete text providing cooperation with the commission in licensing narcotic drug treatment programs as required by Chapter

464A. Make a conforming and nonsubstantive change.

SECTION 1.15. Amends Section 466.022, Health and Safety Code, to make a conforming change.

SECTION 1.16. Amends Section 32.028, Human Resources Code, by adding Subsections (e) and (f), as follows:

(e) Requires TDH in its adoption of reasonable rules and standards governing the determination of rates paid for services provided by a federally qualified health center, as defined by 42 U.S.C. Section 1396d(1)(2)(B), to assure that a center is reimbursed for 100 percent of reasonable costs incurred by the center in rendering services to Medicaid recipients.

(f) Requires TDH in its adoption of reasonable rules and standards governing the determination of rates paid for services provided by a rural health clinic, as defined by 42 U.S.C. Section 1396d(1)(1), to assure that a clinic is reimbursed for 100 percent of reasonable costs incurred by the clinic in rendering services to Medicaid recipients, to the extent allowed by federal law.

SECTION 1.17. Repealer: Section 11.016(c), Health and Safety Code (public members on advisory committees).

SECTION 1.18. Repealer: Section 466.005, Health and Safety Code (administration by commission and department).

SECTION 1.19. Repealer: Section 503.008, Health and Safety Code (expiration of chapter).

SECTION 1.20. Requires TDH to publish the first comprehensive strategic and operational plan required under Section 11.0045, Health and Safety Code, as added by this Act, no later than September 1, 2000.

SECTION 1.21. Requires TDH to comprehensively study the impact that the state's Medicaid managed care program has had on each of the populations served by TDH and on all health care providers, clinics, and hospitals. Requires TDH to report its findings to the presiding officer of each house of the legislature and of each legislative committee that has oversight responsibility for TDH no later than November 1, 2000.

SECTION 1.22. Requires TDH to implement a pilot project that integrates all appropriate functions of TDH's health care delivery programs in accordance with Section 12.0115, Health and Safety Code, as soon as possible after the effective date of this Act and to the extent allowed under federal law. Requires the pilot project to be initiated no later than September 1, 2000 and terminated September 1, 2001, but TDH may continue the project after that date to integrate its health care delivery programs under Section 12.0115, Health and Safety Code. Requires TDH to make an interim report regarding its problems and progress in implementing the pilot project no later than September 1, 2000, as part of the initial comprehensive strategic and operational plan required under Section 11.0045, Health and Safety Code. Requires TDH to fully evaluate the success and problems of the completed pilot project as part of the comprehensive strategic and operational plan that TDH is required to publish no later than September 1, 2002. Requires TDH to report as part of the second comprehensive strategic and operational plan, on the benefits and problems that TDH foresees and to include certain provisions, no later than September 1, 2002.

SECTION 1.23. Requires TDH, with the assistance of the state auditor, to conduct a comprehensive evaluation of TDH's regulatory functions and to include certain information in the analysis. Requires the evaluation to include certain requirements. Requires TDH to report the results of the evaluation to the legislature and to the board no later than November 1, 2000.

SECTION 1.24. Makes application of this Act prospective. Requires the commissioner, board, or TDH, as appropriate, to conduct the hearing in a contested case for which the notice is given before the effective date of this Act. Provides that this Act does not transfer from the commissioner, board, or TDH, as appropriate, the responsibility to conduct a fair hearing that is required under federal law unless the fair hearing is considered to be a contested case under Chapter 2001, Government Code. Provides that this Act does not require the commissioner, board, or TDH to transfer personnel to the office.

SECTION 1.25. Makes application of this Act prospective regarding prohibitions applying to members

of the board.

## ARTICLE 2. LICENSURE OF HOSPITAL OUTPATIENT FACILITIES; FEES CHARGED TO HOSPITALS

SECTION 2.01. Amends Section 241.023, Health and Safety Code, to set forth requirements submitted to TDH for a license issued for a hospital, subject to Subsection (e). Provides that Subsection (d) applies only if the federal Department of Health and Human Services, Health Care Financing Administration, or Office of Inspector General adopts final or interim final rules requiring state licensure of outpatient facilities as a condition of the determination of provider-based status for Medicare reimbursement purposes. Makes conforming changes.

SECTION 2.02. Amends Section 241.025, Health and Safety Code, to prohibit the fee from exceeding \$15, rather than \$10, a bed. Authorizes a minimum license fee to be established. Prohibits the minimum fee from exceeding \$1,000. Requires a fee adopted under this chapter to be based on the estimated cost to and level of effort expended by TDH to conduct the activity for which the fee is imposed. Deletes text regarding the total fees from being less than \$200 or more than \$10,000. Deletes text authorizing the board to adopt a temporary initial license fee in an amount sufficient to cover the reasonable expense to the department issuing the license.

SECTION 2.03. Amends Section 241.104, Health and Safety Code, to set forth the fee schedule. Authorizes the board, by rule, to adopt a fee schedule for the surveys that provides a minimum fee of \$500, rather than \$100, and a maximum fee of \$1,000, rather than \$400, for each survey conducted. Deletes text regarding estimated construction costs. Makes conforming changes.

SECTION 2.04. Repealer: Section 241.0231, Health and Safety Code (temporary initial license).

## ARTICLE 3. AMBULATORY SURGICAL CENTERS; ADMINISTRATIVE PENALTIES

SECTION 3.01. Amends Chapter 243, Health and Safety Code, by adding Sections 243.015 and 243.016, as follows:

Sec. 243.015. IMPOSITION OF ADMINISTRATIVE PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the imposition of an administrative penalty on a person who violates this Act or a rule adopted under this Act.

Sec. 243.016. PAYMENT AND COLLECTION OF ADMINISTRATIVE PENALTY; JUDICIAL REVIEW. Sets forth standard language developed by the Sunset Advisory Commission regarding the payment and collection of administrative penalty, and the ability of the penalized person to petition for judicial review.

## ARTICLE 4. BIRTHING CENTERS; ADMINISTRATIVE PENALTIES

SECTION 4.01. Amends Chapter 244, Health and Safety Code, by adding Sections 244.015 and 244.016, as follows:

Sec. 244.015. IMPOSITION OF ADMINISTRATIVE PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the imposition of an administrative penalty on a person who violates this Act or a rule adopted under this Act.

Sec. 244.016. PAYMENT AND COLLECTION OF ADMINISTRATIVE PENALTY; JUDICIAL REVIEW. Sets forth standard language developed by the Sunset Advisory Commission regarding the payment and collection of the administrative penalty, and the ability of the penalized person to petition for judicial review.

## ARTICLE 5. SPECIAL CARE FACILITIES; ADMINISTRATIVE PENALTIES

SECTION 5.01. Amends Chapter 248, Health and Safety Code, by adding Subchapter D, as follows:

### SUBCHAPTER D. ADMINISTRATIVE PENALTY

Sec. 248.101. IMPOSITION OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the imposition of an administrative penalty on a person who violates this Act or a rule adopted under this Act.

Sec. 248.102. AMOUNT OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the amount of the penalty.

Sec. 248.103. REPORT AND NOTICE OF VIOLATION AND PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the report and notice of a violation and penalty.

Sec. 248.104. PENALTY TO BE PAID OR HEARING REQUESTED. Sets forth standard language developed by the Sunset Advisory Commission regarding the penalty to be paid or hearing requested.

Sec. 248.105. HEARING. Sets forth standard language developed by the Sunset Advisory Commission regarding a hearing.

Sec. 248.106. DECISION BY COMMISSIONER. Sets forth standard language developed by the Sunset Advisory Commission regarding a decision by the commissioner.

Sec. 248.107. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. Sets forth standard language developed by the Sunset Advisory Commission regarding options following a decision to pay or appeal.

Sec. 248.108. STAY OF ENFORCEMENT OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding stay enforcement of the penalty.

Sec. 248.109. COLLECTION OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding collection of penalty.

Sec. 248.110. DECISION BY COURT. Sets forth standard language developed by the Sunset Advisory Commission regarding the decision by the court.

Sec. 248.111. REMITTANCE OF PENALTY AND INTEREST. Sets forth standard language developed by the Sunset Advisory Commission regarding the remittance of penalty and interest.

Sec. 248.112. RELEASE OF BOND. Sets forth standard language developed by the Sunset Advisory Commission regarding the release of bond.

Sec. 248.113. ADMINISTRATIVE PROCEDURE. Sets forth standard language developed by the Sunset Advisory Commission regarding the administrative procedure.

#### ARTICLE 6. ABUSABLE GLUES AND AEROSOL PAINTS; ADMINISTRATIVE PENALTIES

SECTION 6.01. Amends Chapter 485, Health and Safety Code, by adding Subchapter D, as follows:

##### SUBCHAPTER D. ADMINISTRATIVE PENALTY

Sec. 485.101. IMPOSITION OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the imposition of penalty.

Sec. 485.102. AMOUNT OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the amount of penalty.

Sec. 485.103. REPORT AND NOTICE OF VIOLATION AND PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the report and notice of a violation and penalty.

Sec. 485.104. PENALTY TO BE PAID OR HEARING REQUESTED. Sets forth standard

language developed by the Sunset Advisory Commission regarding the penalty to be paid or hearing requested.

Sec. 485.105. HEARING. Sets forth standard language developed by the Sunset Advisory Commission regarding a hearing.

Sec. 485.106. DECISION BY COMMISSIONER. Sets forth standard language developed by the Sunset Advisory Commission regarding the decision by the commissioner.

Sec. 485.107. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. Sets forth standard language developed by the Sunset Advisory Commission regarding the options following a decision to pay or appeal.

Sec. 485.108. STAY OF ENFORCEMENT OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the stay of enforcement of penalty.

Sec. 485.109. COLLECTION OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the collection of penalty.

Sec. 485.110. DECISION BY COURT. Sets forth standard language developed by the Sunset Advisory Commission regarding the decision by the court.

Sec. 485.111. REMITTANCE OF PENALTY AND INTEREST. Sets forth standard language developed by the Sunset Advisory Commission regarding the remittance of penalty and interest.

Sec. 485.112. RELEASE OF BOND. Sets forth standard language developed by the Sunset Advisory Commission regarding the release of bond.

Sec. 485.113. ADMINISTRATIVE PROCEDURE. Sets forth standard language developed by the Sunset Advisory Commission regarding the administrative procedure.

#### ARTICLE 7. HAZARDOUS SUBSTANCES; ADMINISTRATIVE PENALTY

SECTION 7.01. Amends Chapter 501, Health and Safety Code, by adding Subchapter D, as follows:

##### SUBCHAPTER D. ADMINISTRATIVE PENALTY

Sec. 501.101. IMPOSITION OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the imposition of penalty.

Sec. 501.102. AMOUNT OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the amount of penalty.

Sec. 501.103. REPORT AND NOTICE OF VIOLATION AND PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the report and notice of a violation and penalty.

Sec. 501.104. PENALTY TO BE PAID OR HEARING REQUESTED. Sets forth standard language developed by the Sunset Advisory Commission regarding the penalty to be paid or hearing requested.

Sec. 501.105. HEARING. Sets forth standard language developed by the Sunset Advisory Commission regarding a hearing.

Sec. 501.106. DECISION BY COMMISSIONER. Sets forth standard language developed by the Sunset Advisory Commission regarding the decision by the commissioner.

Sec. 501.107. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. Sets forth standard language developed by the Sunset Advisory Commission regarding the options following a decision to pay or appeal.

Sec. 501.108. STAY OF ENFORCEMENT OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the stay of enforcement of penalty.

Sec. 501.109. COLLECTION OF PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the collection of penalty.

Sec. 501.110. DECISION BY COURT. Sets forth standard language developed by the Sunset Advisory Commission regarding the decision by the court.

Sec. 501.111. REMITTANCE OF PENALTY AND INTEREST. Sets forth standard language developed by the Sunset Advisory Commission regarding the remittance of penalty and interest.

Sec. 501.112. RELEASE OF BOND. Sets forth standard language developed by the Sunset Advisory Commission regarding the release of bond.

Sec. 501.113. ADMINISTRATIVE PROCEDURE. Sets forth standard language developed by the Sunset Advisory Commission regarding the administrative procedure.

## ARTICLE 8. FEES FOR PRIVATE MENTAL HOSPITALS AND CERTAIN OTHER MENTAL HEALTH FACILITIES

SECTION 8.01. Amends Section 577.006, Health and Safety Code, to require TDH to charge each hospital an annual license fee for an initial license or a license renewal, rather than requiring the board to adopt certain hospital fees. Authorizes the board, by rule, to adopt the fees authorized by Subsection (a) according to a schedule under which the number of beds in the hospital determines the amount of the fee. Prohibits the fee from exceeding \$15 a bed. Authorizes a minimum license to be established. Prohibits the minimum fee from exceeding \$1,000. Authorizes the board, by rule, to adopt fees for hospital plan reviews according to a schedule under which the amounts of the fees are based on the estimated construction costs. Sets forth the hospital plan review fee schedule. Requires TDH to charge a fee for field surveys of construction plans reviewed under this section. Authorizes the board, by rule, to adopt a fee schedule for the surveys that provides a minimum fee of \$500 and a maximum fee of \$1,000 for each survey conducted. Authorizes TDH to establish staggered license renewal dates and dates on which fees are due. Requires a fee adopted under this chapter to be based on the estimated cost to and level of effort expended by TDH to conduct the activity for which the fee is imposed. Requires all license fees collected to be deposited in the state treasury to the credit of TDH to administer and enforce this chapter. Authorizes these fees to be appropriated only to TDH. Deletes text regarding license renewal dates and a fee based on the estimated cost. Deletes text regarding fees deposited in the state treasury fund in a separate fund.

## ARTICLE 9. STANDARD SUNSET REVIEW PROVISIONS APPLICABLE TO THE RADIATION ADVISORY BOARD

SECTION 9.01. Amends Section 401.015, Health and Safety Code, by adding Subsections (d), (e), and (f), as follows:

(d) Defines “Texas trade association.” Sets forth standard language developed by the Sunset Advisory Commission regarding prohibitions against conflict of interest.

(e) Sets forth standard language developed by the Sunset Advisory Commission regarding prohibitions against conflicts of interest.

(f) Sets forth standard language developed by the Sunset Advisory Commission regarding equal opportunity.

SECTION 9.02. Amends Chapter 401B, Health and Safety Code, by adding Sections 401.0151–401.0153, as follows:

Sec. 401.0151. TRAINING FOR ADVISORY BOARD MEMBERS. Sets forth standard language developed by the Sunset Advisory Commission regarding board member training.

Sec. 401.0152. INFORMATION ABOUT STANDARDS OF CONDUCT. Sets forth standard language developed by the Sunset Advisory Commission regarding board member standards of conduct.



Sec. 401.0153. GROUND FOR REMOVAL. Sets forth standard language developed by the Sunset Advisory Commission regarding grounds for removal.

SECTION 9.03. Amends Section 401.016, Health and Safety Code, to set forth standard language developed by the Sunset Advisory Commission regarding designation of the presiding officer by the governor. Make conforming changes.

SECTION 9.04. Amends Chapter 401B, Health and Safety Code, by adding Section 401.0181, as follows:

Sec. 401.0181. PUBLIC TESTIMONY. Sets forth standard language developed by the Sunset Advisory Commission regarding public testimony.

SECTION 9.05. Makes application of this Act prospective, regarding prohibitions applying to members of the radiation advisory board.

#### ARTICLE 10. STANDARD SUNSET REVIEW PROVISIONS APPLICABLE TO THE COUNCIL ON ALZHEIMER'S DISEASE

SECTION 10.01. Amends Section 101.002, Health and Safety Code, by amending Subsection (c) and adding Subsection (d), to amend existing language to conform with standard Sunset language regarding designation of the presiding officer by the governor.

(d) Sets forth standard language developed by the Sunset Advisory Commission regarding equal opportunity.

SECTION 10.02. Amends Chapter 101, Health and Safety Code, by adding Sections 101.0021 through 101.0023, as follows:

Sec. 101.0021. CONFLICT OF INTEREST. Sets forth standard language developed by the Sunset Advisory Commission regarding prohibitions against conflicts of interest.

Sec. 101.0022. GROUND FOR REMOVAL. Sets forth standard language developed by the Sunset Advisory Commission regarding grounds for removal.

Sec. 101.0023. TRAINING. Sets forth standard language developed by the Sunset Advisory Commission regarding board member training.

SECTION 10.03. Amends Chapter 101, Health and Safety Code, by adding Section 101.0065, as follows:

Sec. 101.0065. PUBLIC TESTIMONY. Sets forth standard language developed by the Sunset Advisory Commission regarding public testimony.

SECTION 10.04. Amends Chapter 101, Health and Safety Code, by adding Section 101.0075, as follows:

Sec. 101.0075. DIVISION OF POLICY AND MANAGEMENT RESPONSIBILITIES. Sets forth standard language developed by the Sunset Advisory Commission regarding division of policy and management responsibilities.

SECTION 10.05. Amends Chapter 101, Health and Safety Code, by adding Section 101.0081, as follows:

Sec. 101.0081. INFORMATION ABOUT STANDARDS OF CONDUCT. Sets forth standard language developed by the Sunset Advisory Commission regarding council member standards of conduct.

SECTION 10.06. Makes application of this Act prospective regarding prohibitions applying to members of the Texas Council on Alzheimer's Disease and Related Disorders.

#### ARTICLE 11. STANDARD SUNSET REVIEW PROVISIONS APPLICABLE TO THE STATEWIDE HEALTH COORDINATING COUNCIL

SECTION 11.01. Amends Section 104.011, Health and Safety Code, by adding Subsections (c) and (d),

to set forth standard language developed by the Sunset Advisory Commission regarding the presiding officer by the governor and equal opportunity.

SECTION 11.02. Amends Chapter 104B, Health and Safety Code, by adding Sections 104.0111-104.0113, as follows:

Sec. 104.0111. CONFLICT OF INTEREST. Sets forth standard language developed by the Sunset Advisory Commission regarding prohibitions against conflicts of interest.

Sec. 104.0112. GROUNDS FOR REMOVAL. Sets forth standard language developed by the Sunset Advisory Commission regarding grounds for removal.

Sec. 104.0113. TRAINING. Sets forth standard language developed by the Sunset Advisory Commission regarding board member training.

SECTION 11.03. Amends Chapter 104B, Health and Safety Code, by adding Sections 104.0141 and 104.0142, as follows:

Sec. 104.0141. DIVISION OF POLICY AND MANAGEMENT RESPONSIBILITIES. Sets forth standard language developed by the Sunset Advisory Commission regarding division of policy and management responsibilities.

Sec. 104.0142. INFORMATION ABOUT STANDARDS OF CONDUCT. Sets forth standard language developed by the Sunset Advisory Commission regarding council member standards of conduct.

SECTION 11.04. Amends Chapter 104B, Health and Safety Code, by adding Section 104.016, as follows:

Sec. 104.016. PUBLIC TESTIMONY. Sets forth standard language developed by the Sunset Advisory Commission regarding public testimony.

SECTION 11.05. Makes application of this Act prospective regarding prohibitions applying to members of the statewide health coordinating council.

## ARTICLE 12. STANDARD SUNSET REVIEW PROVISIONS APPLICABLE TO THE TEXAS DIABETES COUNCIL

SECTION 12.01. Amends Section 103.002(d), Health and Safety Code, to amend existing language to conform to standard Sunset language regarding equal opportunity.

SECTION 12.02. Amends Section 103.006, Health and Safety Code, to amend existing language to conform to standard Sunset language regarding designation of the presiding officer by the governor.

SECTION 12.03. Amends Chapter 103, Health and Safety Code, by adding Sections 103.0024 and 103.0025, as follows:

Sec. 103.0024. TRAINING. Sets forth standard language developed by the Sunset Advisory Commission regarding board member training.

Sec. 103.0025. INFORMATION ABOUT STANDARDS OF CONDUCT. Sets forth standard language developed by the Sunset Advisory Commission regarding board member standards of conduct.

SECTION 12.04. Amends Chapter 103, Health and Safety Code, by adding Section 103.0105, as follows:

Sec. 103.0105. DIVISION OF POLICY AND MANAGEMENT RESPONSIBILITIES. Sets forth standard language developed by the Sunset Advisory Commission regarding division of policy and management responsibilities.

SECTION 12.05. Makes application of this Act prospective regarding prohibitions applying to members of the Texas Diabetes Council.

ARTICLE 13. STANDARD SUNSET REVIEW PROVISIONS APPLICABLE  
TO THE ADVISORY BOARD OF ATHLETIC TRAINERS

SECTION 13.01. Amends Section 2, Article 4512d, V.T.C.S., by amending Subsections (a) and (b) and adding Subsection (e), to set forth standard language developed by the Sunset Advisory Commission regarding public membership. Provides that the terms of two members expire on January 31 of each odd-numbered year. Sets forth standard language developed by the Sunset Advisory Commission regarding equal opportunity.

SECTION 13.02. Amends Chapter 498, Article 4512d, V.T.C.S., by adding Sections 2B, 2C, 2D, 2E, and 2F, as follows:

Sec. 2B. CONFLICT OF INTEREST. Sets forth standard language developed by the Sunset Advisory Commission regarding prohibitions against conflicts of interest.

Sec. 2C. GROUNDS FOR REMOVAL. Sets forth standard language developed by the Sunset Advisory Commission regarding grounds for removal.

Sec. 2D. TRAINING. Sets forth standard language developed by the Sunset Advisory Commission regarding board member training.

Sec. 2E. INFORMATION ABOUT STANDARDS OF CONDUCT. Sets forth standard language developed by the Sunset Advisory Commission regarding advisory board member standards of conduct.

Sec. 2F. DIVISION OF POLICY AND MANAGEMENT RESPONSIBILITIES. Sets forth standard language developed by the Sunset Advisory Commission regarding division of policy and management responsibilities.

SECTION 13.03. Amends Section 3, Article 4512d, V.T.C.S., by amending Subsection (a) and adding Subsection (d), as follows:

(a) Sets forth standard language developed by the Sunset Advisory Commission regarding designation of the presiding officer by the governor. Makes conforming changes.

(d) Sets forth standard language developed by the Sunset Advisory Commission regarding public testimony.

SECTION 13.04. Amends Chapter 498, Article 4512d, V.T.C.S., by adding Section 4A, as follows:

Sec. 4A. COMPLAINTS. Sets forth standard language developed by the Sunset Advisory Commission regarding complaints filed with the board.

SECTION 13.05. Amends Section 5, Article 4512d, V.T.C.S., by amending Subsection (c) and adding Subsection (j), as follows:

(c) Deletes text regarding the advisory board to establish guidelines for athletic trainers in the state.

(j) Sets forth standard language developed by the Sunset Advisory Commission regarding continuing education.

SECTION 13.06. Amends Chapter 498, Article 4512d, V.T.C.S., by adding Section 5A, as follows:

Sec. 5A. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. Sets forth standard language developed by the Sunset Advisory Commission regarding advertising or competitive bidding.

SECTION 13.07. Amends Section 11, Article 4512d, V.T.C.S., by amending Subsections (b)-(e), to add standard language developed by the Sunset Advisory Commission regarding license renewal time frames.

SECTION 13.08. Amends Section 12, Article 4512d, V.T.C.S., to set forth standard language developed by the Sunset Advisory Commission regarding grounds for denial, suspension, or revocation of license. Makes conforming changes.

SECTION 13.09. Amends Chapter 498, Article 4512d, V.T.C.S., by adding Sections 15A and 15B, as follows:

Sec. 15A. IMPOSITION OF ADMINISTRATIVE PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the imposition of an administrative penalty on a person who violates this Act or a rule or order adopted under this Act.

Sec. 15B. PAYMENT AND COLLECTION OF ADMINISTRATIVE PENALTY; JUDICIAL REVIEW. Sets forth standard language developed by the Sunset Advisory Commission regarding the payment and collection of the administrative penalty, and the ability of the penalized person to petition for judicial review.

SECTION 13.10. (a) Makes application of this Act prospective regarding the qualification and prohibitions applying to members of the Advisory Board of Athletic Trainers.

(b) Sets forth provisions regarding the terms for members of the Advisory Board of Athletic Trainers.

SECTION 13.11. Makes application of this Act prospective regarding Subsections (d) and (e), Section 11, Article 4512d, V.T.C.S.

#### ARTICLE 14. STANDARD SUNSET REVIEW PROVISIONS APPLICABLE TO THE REGULATION OF RESPIRATORY CARE PRACTITIONERS

SECTION 14.01. Amends Chapter 289, Article 4512l, V.T.C.S., by adding Sections 3A and 3B, as follows:

Sec. 3A. NOTIFICATION OF EXAMINATION RESULTS. Sets forth standard language developed by the Sunset Advisory Commission regarding notification of examination results.

Sec. 3B. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. Sets forth standard language developed by the Sunset Advisory Commission regarding advertising or competitive bidding.

SECTION 14.02. Amends Section 7, Article 4512l, V.T.C.S., to set forth standard language developed by the Sunset Advisory Commission regarding certificate renewal time frames. Makes conforming changes.

SECTION 14.03. Amends Chapter 829, Article 4512l, V.T.C.S., by adding Section 7A, as follows:

Sec. 7A. STAGGERED RENEWAL DATES. Sets forth standard language developed by the Sunset Advisory Commission regarding the staggered renewal of certificates.

#### ARTICLE 15. STANDARD SUNSET REVIEW PROVISIONS APPLICABLE TO THE REGISTRATION OF DISPENSING OPTICIANS

SECTION 15.01. Amends Subsection (b), Section 5, Article 4551-1, V.T.C.S. (Opticians' Registry Act), to prohibit the board from adopting substantive rules relating to this Act other than substantive rules described by Subsection (b) of Section 9 of this Act, and Section 5A of this Act.

SECTION 15.02. Amends Article 4551-1, V.T.C.S., by adding Section 5A, as follows:

Sec. 5A. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. Sets forth standard language developed by the Sunset Advisory Commission concerning rules regarding advertising or competitive bidding.

SECTION 15.03. Amends Section 7, Article 4551-1, V.T.C.S., by adding Subsections (c)-(f), to set forth standard language developed by the Sunset Advisory Commission regarding notice of examination results.

SECTION 15.04. Amends Section 9, Article 4551-1, V.T.C.S., to set forth standard language developed by the Sunset Advisory Commission regarding continuing education and certificate of registration renewal time frames. Makes conforming changes.

SECTION 15.05. Amends Section 12, Article 4551-1, V.T.C.S., to set forth standard language developed by the Sunset Advisory Commission regarding the full range of penalties applicable to a certificate of registration holder. Makes conforming changes.

#### ARTICLE 16. STANDARD SUNSET REVIEW PROVISIONS APPLICABLE TO THE REGULATION OF MEDICAL RADIOLOGICAL TECHNOLOGISTS

SECTION 16.01. Amends Section 2.05(d), Article 4512m, V.T.C.S. (Medical Radiologic Technologist Certification Act), to amend existing language to conform to standard Sunset language regarding continuing education.

SECTION 16.02. Amends Article 4512m, V.T.C.S., by adding Section 2.055, as follows:

Sec. 2.055. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. Sets forth standard language developed by the Sunset Advisory Commission concerning rules regarding advertising or competitive bidding.

SECTION 16.03. Amends Article 4512m, V.T.C.S., by adding Section 2.075, as follows:

Sec. 2.075. PROVISIONAL CERTIFICATES. Sets forth standard language developed by the Sunset Advisory Commission regarding provisional certificates.

SECTION 16.04. Amends Section 2.09, Article 4512m, V.T.C.S., by amending Subsection (d) and adding Subsections (e)-(j), to set forth standard language developed by the Sunset Advisory Commission regarding certificate renewal time frames.

SECTION 16.05. Amends Article 4512m, V.T.C.S., by adding Sections 2.091 and 2.092, as follows:

Sec. 2.091. NOTIFICATION OF EXAMINATION RESULTS. Sets forth standard language developed by the Sunset Advisory Commission regarding notification of examination results.

Sec. 2.092. STAGGERED RENEWAL DATES. Sets forth standard language developed by the Sunset Advisory Commission regarding the staggered renewal of certificates.

#### ARTICLE 17. ADMINISTRATIVE PENALTY AND STANDARD SUNSET REVIEW PROVISIONS APPLICABLE TO THE TEXAS BOARD OF LICENSURE FOR PROFESSIONAL MEDICAL PHYSICISTS

SECTION 17.01. Amends Section 5(d), Article 4512n, V.T.C.S. (Texas Medical Physics Practice Act), to amend existing language to conform to standard Sunset language regarding equal opportunity.

SECTION 17.02. Amends Section 7(d), Article 4512n, V.T.C.S., to set forth standard Sunset language regarding public membership.

SECTION 17.03. Amends Article 4512n, V.T.C.S., by adding Sections 7A and 7B, as follows:

Sec. 7A. CONFLICT OF INTEREST. Sets forth standard language developed by the Sunset Advisory Commission regarding prohibitions against conflicts of interest.

Sec. 7B. TRAINING. Sets forth standard language developed by the Sunset Advisory Commission regarding board member training.

SECTION 17.04. Amends Section 8, Article 4512n, V.T.C.S., to set forth standard Sunset language regarding grounds for board member removal. Makes conforming changes.

SECTION 17.05. Amends Section 10, Article 4512n, V.T.C.S., by amending Subsection (a) and adding Subsection (c), to set forth standard Sunset language regarding the appointment of the presiding officer

of the board by the governor and public testimony.

SECTION 17.06. Amends Section 11, Article 4512n, V.T.C.S., to set forth standard Sunset language regarding continuing education and the division of policy and management responsibilities. Makes conforming changes.

SECTION 17.07. Amends Article 4512n, V.T.C.S., by adding Sections 11A and 11B, as follows:

Sec. 11A. COMPLAINTS. Sets forth standard language developed by the Sunset Advisory Commission regarding complaints filed with the board of licensure.

Sec. 11B. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. Sets forth standard language developed by the Sunset Advisory Commission concerning rules regarding advertising or competitive bidding.

SECTION 17.08. Amends Section 12, Article 4512n, V.T.C.S., by adding Subsection (c), to set forth standard Sunset language regarding board of licensure member standards of conduct.

SECTION 17.09. Amends Section 18, Article 4512n, V.T.C.S., as follows:

Sec. 18. New heading: LICENSING BY ENDORSEMENT OR RECIPROCITY. Sets forth standard language developed by the Sunset Advisory Commission regarding licensing by endorsement and reciprocity. Makes conforming changes.

SECTION 17.10. Amends Section 21, Article 4512n, V.T.C.S., to set forth standard language developed by the Sunset Advisory Commission regarding the full range of penalties applicable to license holders. Makes conforming changes.

SECTION 17.11. Amends Article 4512n, V.T.C.S., by adding Sections 23A and 23B, as follows:

Sec. 23A. IMPOSITION OF ADMINISTRATIVE PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the imposition of an administrative penalty on a person who violates this Act or a rule or order adopted under this Act.

Sec. 23B. PAYMENT AND COLLECTION OF ADMINISTRATIVE PENALTY. Sets forth standard language developed by the Sunset Advisory Commission regarding the payment and collection of the administrative penalty, and the ability of the penalized person to petition for judicial review.

SECTION 17.12. Amends Article 4512n, V.T.C.S., by adding Section 27, as follows:

Sec. 27. PROVISIONAL LICENSES. Sets forth standard language developed by the Sunset Advisory Commission regarding provisional licenses.

SECTION 17.13. Repealer: Subsection (e), Section 7, Article 4512n, V.T.C.S. (Texas Medical Physics Practice Act) regarding (eligibility for membership on the board of licensure).

SECTION 17.14. Makes application of this Act prospective regarding prohibitions applying to members of the Texas Board of Licensure for Professional Medical Physicists.

#### ARTICLE 18. STANDARD SUNSET REVIEW PROVISIONS APPLICABLE TO THE REGULATION OF MASSAGE THERAPISTS

SECTION 18.01. Amends Subsection (b), Section 2, Article 4512k, V.T.C.S., to delete text to conform to standard Sunset language regarding licensure by endorsement and reciprocity. Makes conforming changes.

SECTION 18.02. Amends Chapter 752, Article 4512k, V.T.C.S., by adding Sections 2C and 2D, as follows:

Sec. 2C. APPLICANT REGISTERED IN ANOTHER JURISDICTION. Sets forth standard

language developed by the Sunset Advisory Commission regarding licensure by endorsement and reciprocity.

Sec. 2D. PROVISIONAL REGISTRATION. Sets forth standard language developed by the Sunset Advisory Commission regarding provisional registration.

SECTION 18.03. Amends Chapter 752, Article 4512k, V.T.C.S., by adding Sections 7E, 7F, and 7G, as follows:

Sec. 7E. NOTIFICATION OF EXAMINATION RESULTS. Sets forth standard language developed by the Sunset Advisory Commission regarding notification of examination results.

Sec. 7F. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. Sets forth standard language developed by the Sunset Advisory Commission concerning rules regarding advertising or competitive bidding.

Sec. 7G. CONTINUING EDUCATION. Sets forth standard language developed by the Sunset Advisory Commission regarding continuing education. Requires continuing education programs to be taught by persons who have demonstrated expertise in the subject being presented and who may be, but are not required to be, persons registered as massage therapists pursuant to this article.

SECTION 18.04. Amends Sections 11 and 12, Article 4512k, V.T.C.S., as follows:

Sec. 11. REGISTRATION, DENIAL, PROBATION, SUSPENSION, OR REVOCATION. Sets forth standard language developed by the Sunset Advisory Commission regarding the full range of penalties applicable to license holders.

Sec. 12. RENEWAL OF REGISTRATION. Sets forth standard language developed by the Sunset Advisory Commission regarding renewal time frames.

ARTICLE 19. STANDARDS SUNSET REVIEW PROVISIONS AND CERTAIN OTHER  
PROVISIONS APPLICABLE TO STATE REGULATION INVOLVING  
EMERGENCY MEDICAL SERVICES

SECTION 19.01. Amends Subchapter A, Chapter 773, Health and Safety Code, by adding Section 773.012, as follows:

Sec. 773.012. ADVISORY COUNCIL. Requires the governor to appoint an advisory council to advise the board regarding matters related to the responsibilities of the board, commissioner, and TDH under this chapter. Sets forth the composition of the 15-member advisory council. Sets forth standard Sunset language regarding public membership. Defines "Texas trade association." Prohibits a person from being a member of the advisory council if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of TDH. Provides that members of the advisory council serve staggered six-year terms with the terms of five members expiring January 1 of each even-numbered year. Provides that a vacancy on the advisory council is filled in the same manner as the original appointment for the unexpired term. Requires the governor to appoint the presiding officer of the advisory council. Provides that a member of the advisory council serves without compensation. Provides that Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory council. Requires the advisory council to meet at least quarterly in the city of Austin. Requires the advisory council to meet as provided by procedural rules adopted by the advisory council or at the call of the presiding officer. Authorizes the advisory council to appoint committees it considers necessary to perform its duties. Requires the advisory council periodically to review board rules relating to this chapter and may recommend changes in those rules to the board. Requires the board and the commissioner to ensure that the advisory council is given adequate time and opportunity to review and comment on each rule proposed for adoption by the board under this chapter, including the amendment or repeal of an existing rule, but not including an emergency rule.

SECTION 19.02. Amends Sections 773.041(d) and (e), Health and Safety Code, as follows:

(d) Prohibits a person from receiving remuneration for transporting a person required to be in a recumbent or near fully recumbent position because of the person's illness, infirmity, incapacitation or otherwise nonambulatory condition, regardless of whether the person is in need of EMS during transport, unless the person holds a license as an emergency medical provider issued by TDH in accordance with this chapter and the transport is accomplished in an emergency medical services vehicle.

(e) Authorizes the board to adopt rules necessary for the implementation of Subsection (d) of this section, including specifying those circumstances under which such a transport is not required to be accomplished by a licensed emergency service provider or in an EMS vehicle.

SECTION 19.03. Amends Section 773.0495, Health and Safety Code, to require a licensed paramedic to have been certified by TDH as an emergency medical technician-paramedic on or before September 1, 1999. Makes conforming changes.

SECTION 19.04. Amends Section 773.050, Health and Safety Code, by amending Subsection (b) and adding Subsection (f), to set forth standard Sunset language regarding continuing education. Makes conforming changes.

SECTION 19.05. Amends Subchapter C, Chapter 773, Health and Safety Code, by adding Section 773.0505, as follows:

Sec. 773.0505. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. Sets forth standard language developed by the Sunset Advisory Commission concerning rules regarding advertising or competitive bidding.

SECTION 19.06. Amends Section 773.055, Health and Safety Code, by adding Subsections (g) and (h), as follows:

(g) Sets forth standard language developed by the Sunset Advisory Commission concerning rules regarding the staggered renewal of certificates.

(h) Requires TDH to ensure that the written examinations and any other tests that TDH requires a person to take and pass to obtain or retain certification as emergency medical services (EMS) personnel to be administered during the course of a year at various locations around the state so that a person who resides in any part of the state will be able to take the examinations or tests without having to travel a distance that as a practical matter requires either travel by air or an overnight stay.

SECTION 19.07. Amends Section 773.059, Health and Safety Code, to set forth standard language developed by the Sunset Advisory Commission regarding registration renewal time frames. Makes conforming changes.

SECTION 19.08. Amends Section 773.061, Health and Safety Code, to set forth standard language developed by the Sunset Advisory Commission regarding the full range of penalties applicable to a license or certificate holder. Makes conforming changes.

SECTION 19.09. Amends Sections 773.122(a), (c), (d), and (f), Health and Safety Code, to require the commissioner, with advice and counsel from the chairpersons of the trauma service area region advisory councils, to use money in EMS and trauma care system fund. Requires money to be distributed on behalf of eligible recipients in each county to the trauma service area regional advisory council for that county, if the regional advisory council is incorporated as an entity that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt organization under Section 501(c)(3) of the code. Requires the money to be distributed to the county, for a county for which the regional advisory council is not incorporated as such an entity. Requires the share of the money allocated to the eligible recipients in a county's geographic area to be based on the relative geographic size and population of the county and on the relative trauma death rates. Requires money distributed under this subsection to be distributed on behalf of eligible recipients in each county to the trauma service area regional advisory council for that county, if the regional advisory council is incorporated as an entity that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt organization under



Section 501(c)(3) of the code. Requires money to be distributed for a county for which the regional advisory council is not incorporated as such an entity. Deletes text regarding number of emergency or trauma care and county. Makes conforming changes.

SECTION 19.10. Amends Sections 773.123(a) and (b), Health and Safety Code, to require money distributed from EMS and trauma care system fund to be used in accordance with Section 773.122 on the authorization of the executive committee of the trauma service area regional advisory council, in those regions where the money is distributed on behalf of eligible recipients to the regional advisory council, and in a county with a population of 291,000 or more for which money distributed from EMS and trauma care system fund is not distributed to a trauma service area regional advisory council, except as provided by Subsection (b). Makes conforming changes.

SECTION 19.11. Amends Section 773.124, Health and Safety Code, to make conforming changes.

SECTION 19.12. Amends Chapter 773, Health and Safety Code, by adding Subchapter F, as follows:

#### SUBCHAPTER F. MEDICAL INFORMATION PROVIDED BY CERTAIN EMERGENCY MEDICAL SERVICES OPERATORS

Sec. 773.141. DEFINITIONS. Defines “emergency call,” and “emergency medical services operator.”

Sec. 773.142. APPLICATION OF SUBCHAPTER. Provides that this subchapter does not apply to a physician or other licensed person who may provide medical information under law.

Sec. 773.143. PROVISION OF MEDICAL INFORMATION. Sets forth provisions that allow an EMS operator to provide medical information to a member of the public.

Sec. 773.144. TRAINING PROGRAMS. Authorizes TDH to offer EMS operator training programs and to approve training programs offered by other person. Requires the board, by rule, to establish minimum standards for approval of training programs and certification and decertification of program instructors. Requires the provider of an EMS operator training program to issue an EMS operator a certificate evidencing completion of the training program. Authorizes the board, by rule, to require that, before issuance of the certificate, the operator successfully complete an examination administered by the board, by the provider of the training program, or by another person. Authorizes the board, by rule, to provide that a certificate issued under Subsection (b) expires at the end of a specified period, no less than one year after the date on which the certificate is issued and to adopt requirements. Authorizes the board, by rule, to adopt other requirement relating to EMS operator training programs. Provides that the establishment of minimum standards under this section does not prohibit the entity that is employing or accepting the volunteer services of the EMS operator from imposing additional training standards or procedures.

Sec. 773.145. MEDICAL INFORMATION. Authorizes the board, by rule, to adopt a protocol that must be used to provide medical information under Section 773.143. Authorizes the protocol to include the use of a flash-card system or other similar system designed to make the information readily accessible to the EMS operator in an understandable form.

Sec. 773.146. LIMITATION ON CIVIL LIABILITY. Provides that EMS operators who hold a certificate under Section 773.144 are not liable for damages that arise from the provision of medical information according to the protocol adopted under Section 773.145, if the information is provided in good faith. Provides that this subsection does not apply to an act or omission of the operator that constitutes gross negligence, recklessness, or intentional misconduct. Provides that this subsection does not affect any liability imposed on a public agency for the conduct of the EMS operator under Section 101.062, Civil Practice and Remedies Code. Provides that Section 101.062, Civil Practice and Remedies Code, governs the liability of a public agency the employees or volunteers of which provide medical information under this subchapter.

Sec. 773.147. FEES. Authorizes the board, by rule, to adopt fees for training programs provided by the board under Section 773.144, and the approval of program instructors and of training programs offered by other persons. Prohibits the fees adopted under this section from exceeding

the amount necessary for TDH to recover the cost of administering this subchapter.

SECTION 19.13. Authorizes the board to abolish any advisory body created, by rule, to perform the functions assigned to the advisory council created by Section 773.012, Health and Safety Code, as added by this Act.

SECTION 19.14. Makes application of this Act prospective regarding Sections 773.122-733.124, Health and Safety Code.

SECTION 19.15. Makes application of this Act prospective regarding Subchapter F, Chapter 773, Health and Safety Code. Authorizes the board to adopt rules necessary for the implementation of Subchapter F, Chapter 773, Health and Safety Code, no later than December 1, 1999.

#### ARTICLE 20. STANDARD SUNSET REVIEW PROVISIONS APPLICABLE TO THE REGULATION OF CERTAIN ASBESTOS-RELATED ACTIVITIES

SECTION 20.01. Amends Article 4477-3a, V.T.C.S. (Texas Asbestos Health Protection Act), by adding Section 5A, as follows:

Sec. 5A. PROVISIONAL LICENSE OR REGISTRATION. Sets forth standard language developed by the Sunset Advisory Commission regarding provisional licenses or registrations.

SECTION 20.02. Amends Section 6, Article 4477-3a, V.T.C.S., by amending Subsections (a) and (f) and adding Subsections (g)-(k), to set forth standard language developed by the Sunset Advisory Commission regarding staggered renewal of licenses, and license renewal time frames.

SECTION 20.03. Amends Section 8, Article 4477-3a, V.T.C.S., by amending Subsection (a) and adding Subsection (g), to set forth standard language developed by the Sunset Advisory Commission regarding the full range of penalties applicable to license holders.

SECTION 20.04. Amends Section 9, Article 4477-3a, V.T.C.S., by amending Subsections (b) and (h) and adding Subsection (j), to set forth standard language developed by the Sunset Advisory Commission regarding the full range of penalties applicable to license holders.

SECTION 20.05. Amends Article 4477-3a, V.T.C.S., by adding Section 10A, as follows:

Sec. 10A. NOTIFICATION OF EXAMINATION RESULTS. Sets forth standard language developed by the Sunset Advisory Commission regarding notification of examination results.

SECTION 20.06. Amends Article 4477-3a, V.T.C.S., by adding Section 12A, as follows:

Sec. 12A. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. Sets forth standard language developed by the Sunset Advisory Commission concerning rules regarding advertising or competitive bidding.

#### ARTICLE 21. STANDARD SUNSET REVIEW PROVISIONS APPLICABLE TO THE REGULATION OF CERTAIN LEAD-BASED PAINT ACTIVITIES

SECTION 21.01. Amends Chapter 332, Article 9029, V.T.C.S., by adding Sections 3A and 3B, as follows:

Sec. 3A. NOTIFICATION OF EXAMINATION RESULTS. Sets forth standard language developed by the Sunset Advisory Commission regarding notification of examination results.

Sec. 3B. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. Sets forth standard language developed by the Sunset Advisory Commission concerning rules regarding advertising or competitive bidding.

SECTION 21.02. Amends Chapter 332, Article 9029, V.T.C.S., by adding Sections 6A, 6B, and 6C, as follows:

Sec. 6A. EXPIRATION DATES OF CERTIFICATION OR ACCREDITATION. Sets forth standard language developed by the Sunset Advisory Commission regarding staggered renewal of certification or accreditation.

Sec. 6B. RENEWAL OF CERTIFICATION OR ACCREDITATION. Sets forth standard language developed by the Sunset Advisory Commission regarding certification or accreditation renewal time frames.

Sec. 6C. DISCIPLINARY ACTIONS. Sets forth standard language developed by the Sunset Advisory Commission regarding the full range of penalties applicable to certification or accreditation holders.

## ARTICLE 22. CERTAIN PROVISIONS RELATING TO ABORTION FACILITIES

SECTION 22.01. Amends Section 245.004, Health and Safety Code, to provide that certain facilities do not need to be licensed. Provides that an abortion performed in accordance with Section 245.016 is not included, in computing the number of abortions performed in the office of a physician under Subsection (a)(2). Makes conforming changes.

SECTION 22.02. Amends Section 245.014(b), Health and Safety Code, to provide that an offense under this section is a Class A, rather than Class C, misdemeanor.

SECTION 22.03. Amends Section 245.016, Health and Safety Code, to make a conforming change.

SECTION 22.04. Provides that the office of a physician is exempt from the licensing requirements of Chapter 245, Health and Safety Code, under Section 245.004, Health and Safety Code, as it existed immediately before the effective date of this Act, but that is required to be licensed under Section 245.004, Health and Safety Code, as amended by this Act, is not required to be licensed before January 1, 2000.

SECTION 22.05. Makes application of this Act prospective.

SECTION 22.06. Makes application of this Act prospective.

## ARTICLE 23. CERTAIN PROVISIONS RELATING TO CANCER REGISTRIES

SECTION 23.01. Amends Section 82.008(e), Health and Safety Code, to authorize the data required to be furnished under this section to also be furnished only to cancer registries of hospitals, and cancer registries of cancer treatment centers.

SECTION 23.02. Amends Section 82.009(d), Health and Safety Code, to provide that data furnished to a hospital cancer registry or a cancer treatment center cancer registry under Section 82.008(e) is for the confidential use of the hospital cancer registry or the cancer treatment center cancer registry, as applicable, and is subject to Subsection (a).

SECTION 23.03. Amends SECTION 161.021(a), Health and Safety Code, to make conforming changes.

## ARTICLE 24. CERTAIN EDUCATION PROGRAMS FOR MINORS

SECTION 24.01. Amends Section 85.007, Health and Safety Code, by adding Subsection (c), to set forth requirements for the education program for persons younger than 18 years of age.

## ARTICLE 25. CERTAIN PROVISIONS RELATING TO THE PREVENTION OF CARDIOVASCULAR DISEASE AND STROKE

SECTION 25.01. Amends Title 2D, Health and Safety Code, by adding Chapter 93, as follows:

### CHAPTER 93. PREVENTION OF CARDIOVASCULAR DISEASE AND STROKE

#### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 93.001. DEFINITIONS. Defines “cardiovascular disease” and “council.”

Sec. 93.002. APPOINTMENT OF COUNCIL; TERMS OF MEMBERS. Provides that the Council on Cardiovascular Disease and Stroke (CCDS) is composed of 12 members appointed by the board. Provides that members of CCDS serve staggered six-year terms with the terms of one-third of the members expiring February 1 of each odd-numbered year.

Sec. 93.003. COMPENSATION; REIMBURSEMENT. Prohibits a member of CCDS from receiving compensation for service on CCDS and, except as provided by Subsection (b), from being reimbursed for travel expenses incurred while conducting the business of CCDS. Authorizes the commissioner to authorize reimbursement of the travel expenses incurred by a member while conducting the business of CCDS, as provided in the General Appropriations Act, if the commissioner finds on application of the member that travel for CCDS business imposes a financial hardship on the member.

Sec. 93.004. DUTIES OF DEPARTMENT; FUNDS. Requires TDH to accept funds appropriated for the purposes of this chapter and to allocate those funds. Requires CCDS to make recommendations to TDH concerning the allocation of funds.

Sec. 93.005. CONSULTANTS; ADVISORY COMMITTEE. Authorizes CCDS to appoint one or more consultants to CCDS, or advisory committees under Chapter 2110, Government Code, to advise and assist CCDS with respect to CCDS duties under this chapter.

Sec. 93.006. REPORT TO BOARD AND LEGISLATURE. Requires CCDS to report to the board on the activities of CCDS in the preceding calendar year, no later than January 15 of each year. Requires CCDS to report to the lieutenant governor and the speaker of the house of representatives on the activities of CCDS in the preceding two calendar years, no later than January 15 of each odd-numbered year.

#### SUBCHAPTER B. POWERS AND DUTIES OF COUNCIL

Sec. 93.051. CARDIOVASCULAR DISEASE AND STROKE PREVENTION PLAN; DUTIES OF COUNCIL. Requires CCDS to develop an effective and resource-efficient plan to reduce the morbidity, mortality, and economic burden of cardiovascular disease and stroke in this state. Sets forth duties of CCDS.

Sec. 93.052. DATABASE OF CLINICAL RESOURCES. Requires CCDS to review available clinical resources and to develop a database of recommendations for appropriate care and treatment of patients with cardiovascular disease or who have suffered from or are at risk for stroke. Requires CCDS to make the database accessible to the public.

Sec. 93.053. CARDIOVASCULAR DISEASE AND STROKE DATABASE. Requires CCDS to collect and analyze information related to cardiovascular disease and stroke at the state and regional level, and, to the extent feasible, at the local level. Requires CCDS to obtain the information from federal and state agencies and from private and public organizations. Requires CCDS to maintain a database of this information. Sets forth provisions for the database. Authorizes CCDS to use information available from other sources, such as the Behavioral Risk Factor Surveillance System established by The Centers for Disease Control and Prevention, reports of hospital discharge data, and information included in death certificates, in compiling the database.

Sec. 93.054. INFORMATION RECEIVED FROM ANOTHER STATE AGENCY; CONFIDENTIALITY. Authorizes CCDS to request and receive information in the possession of any state agency, to perform its duties under this chapter. Provides that information provided to CCDS under this subsection is subject to any restrictions on disclosure or use of the information that is imposed by law on the agency from which CCDS obtained the information, in addition to the restriction imposed by Subsection (d). Provides that information in the possession of CCDS that identifies a patient or that is otherwise confidential under law is confidential, is excepted from required public disclosure under Chapter 552, Government Code, and may not be disclosed for any purpose.

SECTION 25.02. Requires the board to appoint four persons to terms expiring February 1, 2001, four to terms expiring February 1, 2003, and four to terms expiring February 1, 2005, in appointing the initial members of CCDS.

## ARTICLE 26. EFFECTIVE DATE; EMERGENCY

SECTION 26.01. Effective date: September 1, 1999.

SECTION 26.02. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.08.

Amends Chapter 12A, Health and Safety Code, by adding Section 12.005, to require the board to require TDH to employ a separate medical director whose duties consist of acting as the medical director for the children's health insurance program created under Title XXI of the Social Security Act (42 U.S.C. Section 1397aa et seq.) and also as the medical director for the Medicaid managed care program, to the extent that those programs are administered by TDH, in addition to any other medical director employed by TDH. Requires the medical director to be primarily responsible for implementing and maintaining policies and systems for the programs that relate to clinical and professional medical issues, including clinical oversight. Requires the medical director to be a physician licensed to practice medicine in this state.

SECTION 1.10.

Amends Section 12.0123, Health and Safety Code, to add a new heading. Defines "Medicaid contractor." Requires TDH to contract with an independent auditor to perform independent external financial and performance audits of any Medicaid contractor used by TDH in TDH's operation of a part of the state Medicaid program. Requires TDH regularly to review its Medicaid contracts and ensure certain requirements. Requires the successor agency to comply with this section with regard to the Medicaid contractor, if another state agency succeeds to TDH's operation of the part of the state Medicaid program for which TDH used a Medicaid contractor. Deletes the definition of "fiscal agent."

SECTION 1.16.

Amends Section 32.028(e), Human Resources Code, to require TDH in its adoption of reasonable rules and standards governing the determination of rates paid for services provided by a federally qualified health center, as defined by 42 U.S.C. Section 1396d(1)(2)(B), to assure that a center is reimbursed for 100 percent of reasonable costs incurred by the center in rendering services to Medicaid recipients. Deletes text requiring TDH, in adopting rules and standards governing the determination of rates paid for services provided by a rural health center, to assure a center is reimbursed.

Adds Subsection (f), Section 32.028, Human Resources Code, to require TDH in its adoption of reasonable rules and standards governing the determination of rates paid for services provided by a rural health clinic, as defined by 42 U.S.C. Section 1396d(1)(1), to assure that a clinic is reimbursed for 100 percent of reasonable costs incurred by the clinic in rendering services to Medicaid recipients, to the extent allowed by federal law.

SECTION 1.23.

Amends SECTION 1.23, Health and Safety Code, to require the evaluation to include certain requirements, including efforts to ensure the consistency and appropriateness of the training of inspectors, including ensuring that inspectors are familiar with the type of facility and with the type of care provided at a facility that they inspect, and the skills and knowledge of inspectors remain current through continuing education and review.

SECTION 18.03.

Amends Section 7G, Article 4512k, V.T.C.S., by adding text to require continuing education programs to be taught by persons who have demonstrated expertise in the subject being presented and who may be, but are not required to be, persons registered as massage therapists pursuant to this article.

#### SECTION 19.01.

Amends Section 773.012, Health and Safety Code, to set forth the composition of the 15-member advisory council appointed by the governor. Deletes text regarding certain advisory council members.

#### SECTION 19.02.

Adds Subsection (d), Section 773.041, Health and Safety Code, to prohibit a person from receiving remuneration for transporting a person required to be in a recumbent or near fully recumbent position because of the person's illness, infirmity, incapacitation or otherwise nonambulatory condition, regardless of whether the person is in need of EMS during transport, unless the person holds a license as an emergency medical provider issued by TDH in accordance with this chapter and the transport is accomplished in an emergency medical services vehicle.

Adds Subsection (e), Section 773.041, Health and Safety Code, to authorize the board to adopt rules necessary for the implementation of Subsection (d) of this section, including specifying those circumstances under which such a transport is not required to be accomplished by a licensed emergency service provider or in an EMS vehicle.

Redesignates proposed SECTIONS 19.02 through 19.13 as SECTIONS 19.04 through 19.15.

#### SECTION 19.03.

Adds Section 773.0495, Health and Safety Code, to require a licensed paramedic to have been certified by TDH as an emergency medical technician-paramedic on or before September 1, 1999.

#### SECTION 19.09.

Amends Sections 773.122(c), Health and Safety Code, to reinstate previously deleted text regarding the number of emergency or trauma care runs performed by eligible recipients in the county. Deletes text regarding trauma death rates. Makes a conforming change

#### SECTION 23.01.

Adds Section 82.008(e), Health and Safety Code, to authorize the data required to be furnished under this section to also be furnished only to cancer registries of hospitals, and cancer registries of cancer treatment centers. Redesignates proposed SECTION 23.01 as SECTION 26.01.

#### SECTION 23.02.

Adds Section 82.009(d), Health and Safety Code, to make conforming changes. Redesignates proposed SECTION 23.02 as SECTION 26.02.

#### SECTION 23.03.

Adds Section 161.021(a), Health and Safety Code, to make a conforming change.

#### SECTION 24.01.

Adds Section 85.007, Health and Safety Code, to set forth requirements for the education program for persons younger than 18 years of age.

#### SECTION 25.01.

Adds Title 2D, Health and Safety Code, to define "cardiovascular disease" and "council."

Adds Section 93.002, Health and Safety Code, to provide that CCDS is composed of 12 members appointed by the board. Provides that members of CCDS serve staggered six-year terms with the terms of one-third of the members expiring February 1 of each odd-numbered year.

Adds Section 93.003, Health and Safety Code, to prohibit a member of CCDS from receiving compensation for service on CCDS and, except as provided by Subsection (b), from being reimbursed for travel expenses incurred while conducting the business of CCDS. Authorizes the commissioner to authorize reimbursement of the travel expenses incurred by a member while conducting the business of CCDS, as provided in the General Appropriations Act, if the commissioner finds on application of the member that travel for CCDS business imposes a financial hardship on the member.

Adds Section 93.004, Health and Safety Code, to require TDH to accept funds appropriated for the purposes of this chapter and to allocate those funds. Requires CCDS to make recommendations to TDH concerning the allocation of funds.

Adds Section 93.005, Health and Safety Code, to authorize CCDS to appoint one or more consultants to CCDS, or advisory committees under Chapter 2110, Government Code, to advise and assist CCDS with respect to CCDS duties under this chapter.

Adds Section 93.006, Health and Safety Code, to require CCDS to report to the board on the activities of CCDS in the preceding calendar year, no later than January 15 of each year. Requires CCDS to report to the lieutenant governor and the speaker of the house of representatives on the activities of CCDS in the preceding two calendar years, no later than January 15 of each odd-numbered year.

Adds Section 93.051, Health and Safety Code, to require CCDS to develop an effective and resource-efficient plan to reduce the morbidity, mortality, and economic burden of cardiovascular disease and stroke in this state. Sets forth duties of CCDS.

Adds Section 93.052, Health and Safety Code, to require CCDS to review available clinical resources and to develop a database of recommendations for appropriate care and treatment of patients with cardiovascular disease or who have suffered from or are at risk for stroke. Requires CCDS to make the database accessible to the public.

Adds Section 93.053, Health and Safety Code, to require CCDS to collect and analyze information related to cardiovascular disease and stroke at the state and regional level, and, to the extent feasible, at the local level. Requires CCDS to obtain the information from federal and state agencies and from private and public organizations. Requires CCDS to maintain a database of this information. Sets forth provisions for the database. Authorizes CCDS to use information available from other sources, such as the Behavioral Risk Factor Surveillance System established by The Centers for Disease Control and Prevention, reports of hospital discharge data, and information included in death certificates, in compiling the database.

Adds Section 93.054, Health and Safety Code, to authorize CCDS to request and receive information in the possession of any state agency, to perform its duties under this chapter. Provides that information provided to CCDS under this subsection is subject to any restrictions on disclosure or use of the information that is imposed by law on the agency from which CCDS obtained the information, in addition to the restriction imposed by Subsection (d). Provides that information in the possession of CCDS that identifies a patient or that is otherwise confidential under law is confidential, is excepted from required public disclosure under Chapter 552, Government Code, and may not be disclosed for any purpose.

#### SECTION 25.02.

Adds SECTION 25.02, to require the board to appoint four persons to terms expiring February 1, 2001, four to terms expiring February 1, 2003, and four to terms expiring February 1, 2005, in appointing the initial members of CCDS.

#### SECTION 26.01.

Adds the effective date of September 1, 1999.

SECTION 26.02.

Adds the emergency clause.