

BILL ANALYSIS

Senate Research Center
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S.B. 1035
By: West, Royce
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Texas Council on Cardiovascular Disease and Stroke (council) was created in 1999 and primarily charged to create a state plan to reduce the burden of cardiovascular disease and stroke. The council lacks many of the resources provided to other chronic illness councils and has had some trouble effectively carrying out its duties. As proposed, S.B. 1035 brings the council up to standard with other chronic disease councils, such as the Texas Diabetes Council, the Texas Cancer Council, and the Texas Council on Alzheimer's and Related Disorders. Changes are made to provide for the appointment of council members by the governor, rather than the executive commissioner of the Health and Human Services Commission. S.B. 1035 provides for a restriction on council appointments and the removal of members.

A fund is established to allow the council to accept gifts, grants, and donations. S.B. 1035 adds secondary prevention and women's health education to the council's list of duties and allows the council to advise the legislature on cardiovascular disease and stroke legislation, develop legislation, and comment on pending legislation.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to The Council on Cardiovascular Disease and Stroke in SECTION 5 (Sections 93.012 and 93.015, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

[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.]

SECTION 1. Amends Section 93.002, Health and Safety Code, as follows:

- (a) Makes modifications to the composition of the Council on Cardiovascular Disease and Stroke.
- (b) Requires the governor to attempt to appoint female members and members of different minority groups, including African Americans, Hispanic Americans, Native Americans, and Asian Americans in appointing public members.
- (c) Requires the head of each of certain agencies overseeing services to appoint the agency's representative nonvoting member.
- (d) Makes modifications to the terms of service of the council's public members. Provides that a nonvoting member representing a state agency serves at the will of the appointing agency.

SECTION 2. Amends Section 93.003, Health and Safety Code, as follows:

Sec. 93.003. New heading: REIMBURSEMENT. (a) Authorizes a member of the council to be reimbursed for travel expenses incurred while conducting the business of the council at the same rate provided for state employees in the General Appropriations Act, provided funds are appropriated to the Texas Department of Health (TDH) for this purpose. Makes conforming changes.

(b) Authorizes the commissioner of public health (commissioner) to authorize reimbursement of the travel expenses incurred by a member while conducting the business of the council, as provided in the General Appropriations Act, if the commissioner finds on application of the member that travel for council business imposes a financial hardship on the member if funds are not appropriated to support reimbursement of travel expenses.

SECTION 3. Amends the heading to Section 93.006, Health and Safety Code, to read as follows:

Sec. 93.006. REPORT TO LEGISLATURE.

SECTION 4. Amends Section 93.006(b), Health and Safety Code, to require the council to report to the governor, the lieutenant governor, and the speaker of the house of representatives on the activities of the council accounting for all funds received and disbursed by or for the council during the preceding fiscal year, rather than in the preceding two calendar years, not later than January 15 of each, rather than each odd-numbered, year.

SECTION 5. Amends Subchapter A, Chapter 93, Health and Safety Code, by adding Sections 93.007-93.015, as follows:

Sec. 93.007. RESTRICTIONS ON COUNCIL APPOINTMENT, MEMBERSHIP, OR EMPLOYMENT. (a) Provides that a person is not eligible to serve as a public member if the person or the person's spouse engages in certain activities.

(b) Prohibits a person who is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, from serving as a member of the council or acting as the general counsel of the council.

(c) Prohibits an officer, employee, or paid consultant of a trade association in the field of health care from being a member or employee of the council. Prohibits a person who is the spouse of an officer, employee, or paid consultant of a trade association in the field of health care from being a member of the council or an employee of the council.

(d) Provides that for purposes of Subsection (c), a trade association is a nonprofit, cooperative, and voluntary association of business or professional competitors designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interests.

Sec. 93.008. REMOVAL OF COUNCIL MEMBER. (a) Sets forth grounds for removal from the council.

(b) Provides that the validity of an action of the council is not affected by the fact that it is taken when a ground for removal of a member of the council exists.

(c) Requires the presiding officer of the council to notify the governor if the presiding officer knows that a potential ground for removal exists.

(d) Requires the council to inform its members as often as necessary of certain information.

Sec. 93.009. PRESIDING OFFICER. Requires the governor to designate a member of the council as the presiding officer of the council to serve in that capacity at the will of the governor.

Sec. 93.010. STAFF SUPPORT. Requires each agency represented on the council to provide the council with staff support of specialists as needed; authorizes each agency to provide staff support to an advisory committee.

Sec. 93.011. DIVISION OF POLICY AND MANAGEMENT RESPONSIBILITIES. Requires the council to develop and implement policies that clearly separate the policy-making responsibilities of the council and the management responsibilities of the commissioner and staff of TDH.

Sec. 93.012. MEETINGS. (a) Requires the council to meet at least quarterly and to adopt rules for the conduct of its meetings.

(b) Requires an action taken by the council to be approved by a majority of the voting members present.

Sec. 93.013. GIFTS AND GRANTS. (a) Authorizes the council to receive gifts and grants from any public or private source to perform its duties under this chapter. Requires TDH to accept the gifts on behalf of the council and to deposit any funds accepted under this section to the credit of a special account in the general revenue fund as required by Section 93.014 or 93.015.

(b) Authorizes TDH to retain five percent of any monetary gifts accepted on behalf of the council to cover its costs in administering this section.

Sec. 93.014. HEART DISEASE AND STROKE RESOURCE FUND. (a) Provides that the heart disease and stroke resource fund is an account of the general revenue fund.

(b) Authorizes the legislature to appropriate money deposited to the credit of the heart disease and stroke resource fund only to the council for heart disease and stroke prevention, research, and medical care for heart attack and stroke victims.

(c) Requires the council to develop a policy governing the award of funds for clinical research that follows scientific peer review guidelines for primary and secondary prevention of heart disease or stroke or that follows other review procedures that are designed to distribute those funds on the basis of scientific merit.

(d) Requires interest earned from the investment of the heart disease and stroke resource fund to be deposited to the credit of the fund.

Sec. 93.015. HEART DISEASE AND STROKE YOU'RE THE CURE ACCOUNT. (a) Provides that the heart disease and stroke you're the cure account is an account maintained by the council outside the state treasury. Sets forth the composition of the account.

(b) Provides that the council administers the account. Authorizes the council to spend money credited to the account for certain purposes.

(c) Authorizes the council to accept gifts, grants, and donations from any source for the benefit of the account in accordance with Section 93.013. Requires the council by rule to establish guidelines for spending money credited to the account.

SECTION 6. Amends Section 93.051, Health and Safety Code, as follows:

(a) Creates this subsection from existing text. Provides for primary and secondary prevention of cardiovascular disease and stroke. Requires the council to establish appropriate forums, programs, or initiatives designed to educate the public regarding the impact of heart disease and stroke on women's health, with an emphasis on preventive health and healthy lifestyles. Makes conforming and nonsubstantive changes.

(b) Requires the council to make written recommendations for performing its duties under this chapter to TDH and the legislature.

(c) Requires the council to advise the legislature on legislation that is needed to develop further and maintain a statewide system of quality education services for all persons with cardiovascular disease or stroke. Authorizes the council to develop and submit legislation to the legislature or comment on pending legislation that affects persons with cardiovascular disease and stroke.

SECTION 7. Repealer: Section 93.006(a) (requiring the council to report to the Texas Board of Health on the activities of the council in the preceding calendar year not later than January 15 of each year), Health and Safety Code.

SECTION 8. Provides that the changes in law made by Section 93.002, as amended by this Act, do not affect the entitlement of a member of the council serving on the council immediately before the effective date of this Act to continue to carry out the council's functions for the remainder of the member's term.

SECTION 9. Effective date: September 1, 2005.