

BILL ANALYSIS

Senate Research Center
76R10001 KLA-D

C.S.S.B. 632
By: Madla
Health Services
3/24/1999
Committee Report (Substituted)

DIGEST

Currently, there are infrastructure and other problems at the Texas Center for Infectious Disease (TCID) facility which jeopardize the accreditation required by the Joint Commission on Accreditation of Healthcare Organizations; this accreditation is necessary for hospitals to continue collecting payments from Medicaid, Medicare, and private insurance, which help fund a hospital's operations. There are 13,000 individuals in Texas with tuberculosis. The most dangerous strain of tuberculosis is Multi-Drug Resistant TB (MDRTB), which is resistant to drug therapy and can result in medical costs of up to \$250,000 per patient. One individual who carries tuberculosis or MDRTB can infect as many as 20 other individuals in one year. C.S.S.B. 632 would require the Texas Board of Health to contract for the renovation and construction of the TCID and to contract with University of Texas System board of regents for the coordination of medical management of tuberculosis and communicable infectious disease throughout the state by University of Texas Health Science Center at Tyler.

PURPOSE

As proposed, C.S.S.B. 632 sets forth requirements for a long-range plan for the Texas Center for Infectious Disease and for the management of tuberculosis and communicable infectious disease and other health care and laboratory services.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the University of Texas System board of regents in SECTION 3(g) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. RENOVATION OR CONSTRUCTION OF PHYSICAL FACILITIES OF TEXAS CENTER FOR INFECTIOUS DISEASE. Requires the Texas Board of Health (TBH) to contract for the renovation and construction of the Texas Center for Infectious Disease (TCID). Sets forth the contract specifications. Requires TBH, if TBH contracts for the construction of new physical facilities under Subsection (a)(2), to ensure that the facilities are constructed to allow for the provision of all tuberculosis health care services and communicable infectious health care services and to contract for minimally necessary structural and design renovations to the existing physical facilities to meet certain requirements.

SECTION 2. TUBERCULOSIS AND COMMUNICABLE INFECTIOUS DISEASE HEALTH CARE SERVICES. Authorizes TBH to contract with the University of Texas System board of regents (board), or any other public or private health care entity or provider, to provide physicians or other health care services and communicable infectious disease health care services, as designated by the commissioner of public health, at the TCID or at another health care facility in proximity to the center.

SECTION 3. MYCOBACTERIAL-MYCOLOGY RESEARCH LABORATORY. (a) Requires the board to construct physical facilities for a mycobacterial-mycology research laboratory located at The University of Texas Health Science Center (UTHSC-SA) at San Antonio to replace the laboratory at the TCID using funds appropriated to the University of Texas System (UT System).

(b) Requires the physical facilities constructed under Subsection (a) to be adequate for the provision of all mycobacterial-mycology laboratory services provided on the effective date of this Act, by the mycobacterial-mycology research laboratory located at the TCID.

(c) Requires the board to manage and operate the mycobacterial-mycology research laboratory at UTHSC-SA.

(d) Requires TBH and the board to adopt a joint memorandum of understanding to facilitate and coordinate the transfer of the mycobacterial-mycology research laboratory service from the TCID to UTHSC-SA. Requires the memorandum to coordinate the transfer of mycobacterial research laboratory employees from Texas Department of Health (TDH) to UT System.

(e) Requires TBH and the board to adopt the memorandum of understanding.

(f) Sets forth the events regarding the mycobacterial-mycology research laboratory at the TCID which will occur on a date provided for by the memorandum of understanding between TBH and the board.

(g) Requires the University of Texas System board of regents, before a transfer occurs, to adopt rules and regulations necessary for the operation, control, and management of the mycobacterial-mycology research laboratory at the University of Texas Health Science Center at San Antonio that will take effect when the transfer occurs.

SECTION 4. STATEWIDE COORDINATION OF MEDICAL MANAGEMENT OF TUBERCULOSIS. Requires TBH to contract with the board for the coordination of medical management of tuberculosis throughout this state by The University of Texas Health Science Center at Tyler(UTHSC-Tyler). Sets forth what is authorized to be included in the contract.

SECTION 5. AGREEMENT FOR TRANSPORTATION OF COMMUNICABLE DISEASE PATIENTS. Authorizes TDH, in cooperation with the office of the governor, to collaborate with the United States Immigration and Naturalization Service (INS) to develop a formal agreement regarding transportation of communicable disease patients through INS checkpoints to TCID. Requires TDH to report the status of negotiations and provide a summary of the department's activities relating to the agreement required by this section to the 77th Texas Legislature.

SECTION 6. DISPLACED EMPLOYEES OF TEXAS CENTER FOR INFECTIOUS DISEASE. Requires TDH, to the extent possible out of available funds, to reassign a TDH employee who is employed at TCID to an open position with TDH for which the TDH employee is qualified. Sets forth the conditions of a TDH employee's displacement including if the employee is displaced as a result of the transfer of the mycobacterial-mycology research laboratory and in a contract entered into by TDH with the board or any other health care entity or provider including a contracting party.

SECTION 7. FUTURE USE OF EXISTING FACILITIES. Requires the board and the General Services Commission to collaborate to prepare leasing and other options for potential future uses of the existing physical facilities on completion of construction of the new physical facilities, if TBH contracts for the construction of new physical facilities for the TCID under SECTION 1 of this Act.

SECTION 8. SCHEDULE. Requires TBH to enter into the contracts required by this Act not later than September 1, 2000, rather than January 1, 2000. Requires UT System to enter into a contract for the construction of physical facilities for a research laboratory required by SECTION 3 of this Act not later than September 1, 2000, rather than January 1, 2000. Requires TBH and UT System to adopt the joint memorandum of understanding required by SECTION 3, rather than SECTION 4, of this Act not later than September 1, 2000, rather than January 1, 2000.

SECTION 9. AMENDMENT. Amends Chapter 814B, Government Code, by adding Section 814.1042 as follows:

Sec. 814.1042. **TEMPORARY SERVICE RETIREMENT OPTION FOR MEMBERS AFFECTED BY CONTRACTS ENTERED INTO BY TEXAS DEPARTMENT OF HEALTH.** Provides that this section applies only to employees whose positions with the TDH at TCID are eliminated and who separate from state service as the result of a contract with the board of regents of UT System or any other health care entity or provider entered into on or after the effective date of this section and on or before January 1, 2000 or the transfer of the mycobacterial-mycology research laboratory to UTHSC-SA. Provides that a member described by Subsection (a) is eligible to retire and receive a service retirement annuity if the member's age and service credit, each increased by three years, would meet age and service requirements for service retirement under Section 814.104(a) at the time the member separates from state service as described by Subsection (a). Provides that the annuity of a person who retires under this subsection is computed on the

person's accrued service credit increased by three years. Provides that a member described by Subsection (a) becomes eligible to retire and receive a service retirement annuity on the date on which the member would have met the age and service requirements for service retirement under Section 814.104(a) had the member remained employed by the state if, on the date of separation from state service, the member's age and service credit each increased by five years would meet age and service requirements for service retirement under Section 814.104(a). Provides that the annuity of a person who retires under this subsection is computed on the person's accrued service credit. Authorizes the time between the member's separation from state service and reemployment to be used only to compute eligibility for service retirement and prohibits the time from being used to compute the amount of any service retirement annuity if a member described in Subsection (c) is reemployed by the state before retirement. Requires a member who applies to retire under this section and TDH to provide documentation required by the retirement system to establish eligibility to retire under this section. Provides that this section applies only to positions eliminated on or after the effective date of this section.

SECTION 10. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Adds a new heading; and requires TBH to renovate the existing physical facilities and construct new facilities for TCID. Requires a contract to specify that the renovations include structural and design changes for communicable infectious disease health care services, as designated by the commissioner of public health, except for those services that the TBH contracts to be provided at another health care facility, if the board contracts for the renovation of the existing physical facilities under Subsection (a)(1). Requires TBH, if TBH contracts for the construction of new physical facilities under Subsection (a)(2) to ensure that the facilities are constructed to allow for the provision of all tuberculosis health care services and communicable infectious health care services and to contract for minimally necessary structural and design renovations to the existing physical facilities to meet certain requirements.

SECTION 2.

Adds a new heading, and authorizes, rather than requires, TBH to contract with the board, or any other public or private health care entity or provider, to provide physicians or, rather than all tuberculosis and, other health care services and communicable infectious disease health care services, as designated by the commissioner of public health, at the TCID or at another health care facility in proximity to the center. Deletes text regarding services that are provided at TCID on the effective date of this Act.

SECTION 3.

Adds new heading. (a) Requires the board to construct physical facilities for a mycobacterial-mycology, rather than contract for the construction of physical facilities for a tuberculosis, research laboratory located at UTHSC-SA to replace the laboratory at the TCID using funds appropriated to UT System.

(b) Requires the physical facilities constructed under Subsection (a) to be adequate for the provision of all mycobacterial-mycology, rather than tuberculosis, laboratory services provided on the effective date of this Act, by the mycobacterial-mycology, rather than tuberculosis, research laboratory located at the TCID. Deletes text requiring the contract to provide specifications.

(c) Requires the board to manage and operate the mycobacterial-mycology, rather than tuberculosis, research laboratory at UTHSC-SA.

(d) Requires TBH and the board to adopt a joint memorandum of understanding to facilitate and coordinate the transfer of the mycobacterial-mycology, rather than tuberculosis, research laboratory service from the TCID to UTHSC-SA. Requires the memorandum to coordinate the transfer of mycobacterial, rather than tuberculosis, research laboratory employees from Texas

Department of Health (TDH) to UT System. Deletes text regarding if any employees are to be transferred, as determined by UT System.

(e) Requires TBH and the board to adopt the memorandum of understanding.

(f) Sets forth the events regarding the mycobacterial-mycology research laboratory at the TCID which will occur on a date provided for by the memorandum of understanding between TBH and the board.

(g) Requires the UT System board of regents, before, rather than after, a transfer occurs, to adopt rules and regulations necessary for the operation, control, and management of the mycobacterial-mycology research laboratory at the UTHSC-SA that will take effect when the transfer occurs. Deletes text regarding what effect a transfer has on a rule, policy, procedure, decision, or form adopted by TDH relating to the management or operation of the tuberculosis research laboratory at the TCID. Deletes text authorizing the secretary of state to adopt rules.

SECTION 4.

Requires, rather than authorizes, the TBH to contract with the board for the coordination of medical management of tuberculosis throughout this state by UTHSC-Tyler. Sets forth what is authorized to be included in the contract. Makes a nonsubstantive change.

SECTION 6.

Requires TDH, to the extent possible out of available funds, to reassign a TDH employee who is employed at TCID to an open position with TDH for which the TDH employee is qualified. Sets forth the conditions of a TDH employee's displacement including if the employee is displaced as a result of the transfer of the mycobacterial-mycology research laboratory and in a contract entered into by the TDH with the board or any other health care entity or provider including a contracting party.

SECTION 7.

Added section. Requires the board and the General Services Commission to collaborate to prepare leasing and other options for potential future uses of the existing physical facilities on completion of construction of the new physical facilities, if the TBH contracts for the construction of new physical facilities for the TCID under Section 1 of this Act.

SECTION 8.

Redesignated from existing SECTION 7. Requires TBH to enter into the contracts required by this Act not later than September 1, 2000, rather than January 1, 2000. Requires UT System to enter into a contract for the construction of physical facilities for a research laboratory required by SECTION 3 of this Act not later than September 1, 2000, rather than January 1, 2000. Requires TBH and UT System to adopt the joint memorandum of understanding required by SECTION 3, rather than SECTION 4, of this Act not later than September 1, 2000, rather than January 1, 2000.

SECTION 9.

Redesignated from existing SECTION 8. Provides that this section applies only to employees whose positions with TDH at the TCID are eliminated and who separate from state service as the result of a contract with the board of regents of UT System or any other health care entity or provider entered into on or after the effective date of this section and on or before January 1, 2000 or the transfer of the mycobacterial-mycology, rather than tuberculosis, research laboratory to UTHSC-SA.

SECTION 10.

Redesignated from existing SECTION 9.