

BILL ANALYSIS

Senate Research Center
82R2294 YDB-D

S.B. 243
By: Patrick
Health & Human Services
2/14/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Bleeding Disorders Advisory Council was created upon passage of S.B. 1566, 80th Legislature, Regular Session, 2007, as a two-year study of issues that affect health and well-being of persons in Texas with bleeding disorders, such as hemophilia and thrombophilia. Last session, S.B. 1837, 81st Legislature, Regular Session, 2009, was filed with the intention of letting the agency continue for four more years. The bill passed the full senate, but died in the House Calendars Committee.

The Texas Bleeding Disorders Advisory Council was abolished on September 1, 2009.

S.B. 243 will re-establish the Texas Bleeding Disorders Council through September 1, 2015. The legislation also authorizes the acceptance of gifts, grants, and donations in order to assist the council in fulfilling its purposes and duties.

As proposed, S.B. 243 amends current law relating to the reestablishment of the Texas Bleeding Disorders Advisory Council.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle E, Title 2, Health and Safety Code, by adding Chapter 103A, as follows:

CHAPTER 103A. TEXAS BLEEDING DISORDERS ADVISORY COUNCIL

Sec. 103A.001. DEFINITIONS. Defines, in this chapter, "commissioner," "council," "department," and "hemophilia."

Sec. 103A.002. COMPOSITION OF COUNCIL. (a) Provides that the Texas Bleeding Disorder Council (council) is composed of the commissioner of state health services (commissioner) and the commissioner of insurance, or their designees, serving as nonvoting members, and 10 voting members jointly appointed by the commissioner and the commissioner of insurance. Sets forth the required composition of the voting members.

(b) Authorizes the commissioner and the commissioner of insurance, in addition to council members appointed under Subsection (a), to jointly appoint up to five nonvoting members, including persons with hemophilia or other bleeding or clotting disorders or caregivers of persons with hemophilia or other bleeding or clotting disorders, and persons experienced in the diagnosis, treatment, care, and support of persons with hemophilia or other bleeding or clotting disorders.

Sec. 103A.003. VACANCY. Requires the commissioner and the commissioner of insurance, if a vacancy occurs on the council, to jointly appoint a person to serve for the remainder of the unexpired term.

Sec. 103A.004. PRESIDING OFFICER. Requires council members to elect from among the voting council members a presiding officer. Provides that the presiding officer retains all voting rights.

Sec. 103A.005. COMPENSATION AND REIMBURSEMENT. Prohibits a council member from receiving compensation for service on the council, but authorizes reimbursement for actual and necessary expenses incurred while performing council business.

Sec. 103A.006. MEETINGS. Requires the council to meet at least quarterly and at the call of the commissioner or presiding officer.

Sec. 103A.007. DUTIES OF COUNCIL. Requires the council to conduct studies and advise the Department of State Health Services (DSHS), the Health and Human Services Commission, and the Texas Department of Insurance on issues that affect the health and wellness of persons living with bleeding disorders, including:

- (1) legislative or administrative changes to policies and programs that affect the health and wellness of persons with hemophilia or other bleeding or clotting disorders, including policies and programs regarding access to appropriate health insurance or similar health coverage;
- (2) legislative or administrative changes to policies and programs that affect product-specific reimbursement to providers, including policies and programs regarding new payment methods for anti-hemophilia factor that include various reimbursement methodologies for products dispensed under the Medicaid program, or other appropriate treatment;
- (3) best practices in standards of care and treatment for persons with hemophilia or other bleeding or clotting disorders;
- (4) the establishment of community-based initiatives to disseminate information on services and related activities available for persons living with hemophilia or other bleeding or clotting disorders to the medical and health care community, the academic community, primary caregivers, advocacy associations, and the public; and
- (5) the coordination of public and private support networking systems for persons living with hemophilia or other bleeding or clotting disorders and primary caregivers.

Sec. 103A.008. ANNUAL REPORTS BY COUNCIL AND COMMISSIONER. (a) Requires the council, not later than December 1 of each even-numbered year, to submit a report of its findings and recommendations to the governor, the lieutenant governor, and the speaker of the house of representatives. Requires that the council's report be made public and be subject to public review and comment before adoption by the council.

- (b) Requires the commissioner, not later than six months after the date the council's annual report is issued, to report on efforts to implement the recommendations in the report. Requires that the commissioner's annual report be made available to the public, and include any related state or national activities in which the council participates.

Sec. 103A.009. GIFTS, GRANTS, AND DONATIONS. Authorizes the commissioner to accept for the council gifts, grants, and donations to fulfill the council's purposes and duties under this chapter.

Sec. 103A.010. CERTAIN FUNDING PROHIBITED. Prohibits the council from accepting any funds that are appropriated by the legislature and designated for the treatment of hemophilia or other bleeding or clotting disorders.

Sec. 103A.011. ADMINISTRATIVE SUPPORT. Requires DSHS to provide reasonably necessary administrative support for council activities.

Sec. 103A.012. EXPIRATION. Provides that this chapter expires and the council is abolished September 1, 2015.

SECTION 2. Requires that the commissioner and the commissioner of insurance, as soon as practicable after the effective date of this Act and not later than December 1, 2011, to jointly appoint members to the council as required by Section 103A.002, Health and Safety Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2011.