

## **BILL ANALYSIS**

Senate Research Center

H.B. 1148  
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Health & Human Services  
5/16/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Regional advisory councils (RACs) are responsible for trauma coordination across the state, and they are tailored to meet the unique needs of the communities they serve. RACs are responsible for the creation, implementation, and monitoring of regional healthcare trauma system plans. Within these trauma plans, RACs coordinate services and personnel to strengthen emergency response efforts in times of disaster. Since their creation in 1992, RACs have become responsible for numerous areas of coordination, but their structure has remained largely the same.

H.B. 1148 requires development of a 25-year plan for the coordination of emergency healthcare services; allows RACs to apply to the Department of State Health Services to receive an administrative cooperatives designation; and once designated, makes a cooperative responsible for various administrative functions, including grants, contract management, and human resources.

H.B. 1148 amends current law relating to emergency health care services and trauma care systems.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 (Section 773.126, Health and Safety Code) and SECTION 4 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 773, Health and Safety Code, by adding Section 773.026, as follows:

Sec. 773.026. EMERGENCY HEALTH CARE SERVICES COORDINATION PLAN.

(a) Requires the administrative cooperatives designated under Section 773.125, in consultation with each trauma service area regional advisory council and the advisory council established under Section 773.012 (Advisory Council), to collectively develop a written 25-year plan for coordinating emergency health care services throughout this state.

(b) Requires the emergency health care services coordination plan to include strategies to provide services for certain care.

(c) Requires the administrative cooperatives and advisory councils to develop and submit the emergency health care services coordination plan to the Department of State Health Services (DSHS) not later than September 1, 2021. Provides that this subsection expires September 1, 2022.

SECTION 2. Amends Section 773.112, Health and Safety Code, by adding Subsection (d), to require the executive commissioner of the Health and Human Services Commission (executive commissioner), in consultation with DSHS, to conduct a comprehensive review of the rules adopted under this section every seven years.

SECTION 3. Amends Subchapter E, Chapter 773, Health and Safety Code, by adding Sections 773.125, 773.126, 773.127, and 773.128, as follows:

Sec. 773.125. ADMINISTRATIVE COOPERATIVES: DESIGNATION. (a) Requires DSHS to designate eight or more administrative cooperatives to provide administrative functions for each trauma service area regional advisory council located in the public health region served by the cooperative. Requires DSHS, when designating the administrative cooperative for a public health region, to consider certain information.

(b) Authorizes a trauma service area regional advisory council to apply to DSHS in accordance with DSHS rules to be designated as an administrative cooperative for other trauma service area regional advisory councils in the public health region.

(c) Requires an applicant to demonstrate the applicant has the personnel, knowledge, skills, and resources necessary to provide the administrative functions for each trauma service area regional advisory council in the applicant's public health region.

(c-1) Requires an applicant to submit an initial application under Subsection (b) not later than September 1, 2018. Requires DSHS to designate a qualified applicant to serve as the administrative cooperative not later than September 1, 2019. Requires an applicant designated to serve as an administrative cooperative under this subsection to carry out the duties imposed by Section 773.126 as soon as practicable after the selection and not later than September 1, 2020. Provides that this subsection expires September 1, 2021.

(d) Requires DSHS, if a trauma service area regional advisory council eligible to serve as an administrative cooperative under this section has not applied for the designation in a public health region, to designate the trauma service area regional advisory council with the most appropriate qualifications in the public health region to serve as the administrative cooperative for that region.

Sec. 773.126. ADMINISTRATIVE COOPERATIVES: DUTIES. (a) Requires an administrative cooperative, except as provided by Section 773.128, to perform all administrative functions, including certain functions for each trauma service area regional advisory council under the cooperative's jurisdiction. Provides that administrative functions do not include program activities or activity coordination performed by a trauma service area regional advisory council under the administrative cooperative's jurisdiction.

(b) Requires DSHS to directly contract with an administrative cooperative for administrative duties provided by the cooperative as required by this section.

(c) Requires an administrative cooperative to administer and distribute funds to each trauma service area regional advisory council under the cooperative's jurisdiction in accordance with DSHS rules. Requires the executive commissioner, in adopting rules under this subsection, to require that an administrative cooperative distribute funds according to a trauma service area regional advisory council's population, annual number of trauma care runs, geographic size, and annual number of deaths.

(d) Requires an administrative cooperative to enter into a centralized purchasing agreement with the trauma service area regional advisory councils under the cooperative's jurisdiction and other cooperatives to consolidate purchases for the trauma service area regional advisory councils as appropriate.

(e) Requires an administrative cooperative to submit to DSHS in the manner required by DSHS an annual report on the amount of money spent by the administrative cooperative in providing consolidated administrative services for

the trauma service area regional advisory councils under the cooperative's jurisdiction compared to the amount of money that would have been spent if each trauma service area regional advisory council had provided its own administrative services.

Sec. 773.127. ADMINISTRATIVE COOPERATIVES: TRANSFER OF TRAUMA SERVICE AREA REGIONAL ADVISORY COUNCILS. (a) Authorizes a trauma service area regional advisory council to apply to DSHS, in accordance with DSHS rules, for a transfer from the jurisdiction of the trauma service area regional advisory council's administrative cooperative to the jurisdiction of another administrative cooperative that is willing and capable of providing administrative services for the trauma service area regional advisory council in a more cost-effective manner than the current administrative cooperative is able to provide the services.

(b) Requires the executive commissioner to develop criteria for determining whether an administrative cooperative has the personnel, knowledge, skills, and resources necessary to provide administrative services in a more cost-effective manner for a trauma service area regional advisory council applying for a transfer to that administrative cooperative's jurisdiction under this section.

Sec. 773.128. ADMINISTRATIVE COOPERATIVES: REQUEST BY TRAUMA SERVICE AREA REGIONAL ADVISORY COUNCIL TO RETAIN CERTAIN ADMINISTRATIVE FUNCTIONS. (a) Authorizes a trauma service area regional advisory council to file a written request with DSHS to retain an administrative function that has been delegated to an administrative cooperative. Requires the request to include evidence that the trauma service area regional advisory council has the personnel, knowledge, skills, and resources necessary to perform the administrative function in a more cost-effective manner than the function is being performed by the administrative cooperative.

(b) Requires DSHS to grant a request that includes sufficient evidence for DSHS to determine that the trauma service area regional advisory council has the personnel, knowledge, skills, and resources required by this section and to notify the administrative cooperative of DSHS's decision.

SECTION 4. Requires the executive commissioner to adopt all rules necessary to implement the change in law made by this Act not later than January 1, 2018.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2017.