

TITLE 25. HEALTH SERVICES
Part I. Texas Department of Health
Chapter 157. Emergency Medical Services
Subchapter F. Advisory Committee
Amendment §157.101

Proposed Preamble

The Texas Department of Health (department) proposes an amendment to §157.101 concerning the Emergency Health Care Advisory Committee (committee). The committee provides assistance to the Texas Board of Health (board) and the department on the need for emergency medical services (EMS) in the state including the specialized needs of pediatric patients, and hospital administrative and operational considerations relating to EMS/trauma systems development and facility designation.

In 1993, the Texas Legislature passed Senate Bill 383 (now codified in the Government Code, Chapter 2110) which requires that each state agency adopt rules to establish advisory committees. The rules must state the purpose and composition of the committee, describe the tasks of the committee, describe the manner in which the committee will report to the agency, and establish a date on which the committee will be automatically abolished unless the governing body of the agency affirmatively votes to continue the committee's existence.

In 1995, the board established a rule relating to the Emergency Health Care Advisory Committee. The rule states that the committee will automatically be abolished on May 1, 1999. The board has now reviewed and evaluated the committee and has determined that the committee should continue in existence until May 1, 2003.

This section amends provisions relating to the operation of the committee. Specifically, language is revised to reference the Government Code; to increase the consumer members by one person so that one-third of the committee are consumers; to require that the presiding officer and the assistant presiding officer of the committee will be selected by the chairman of the board for a term of two years; to allow a temporary vacancy in an office to be filled by vote of the committee until appointment by the chairman of the board occurs; to clarify that the committee is prohibited from holding an executive session (closed meeting) for any reason; to clarify that the committee and its members may not participate in legislative activity in the name of the board, the department, or the committee except with certain approval; and to require the committee's annual report in May rather than January. These changes will clarify procedures for the committee and emphasize the advisory nature of the committee.

Gene Weatherall, Bureau Chief, Bureau of Emergency Management, has determined that for each year of the first five years the proposed section is in effect, there will be no fiscal implications for state or local governments as a result of enforcing or administering this section.

Mr. Weatherall also has determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of enforcing the section will be better information

and advice provided to the board and the department on the issues addressed by the advisory committee and clarification of the role and procedures of the committee. There will no effect on small businesses. There are no economic costs to persons who are required to comply with the section as proposed. There will be no effect on local employment.

Comments may be submitted to Gene Weatherall, Bureau Chief, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, 512/834-6700. Comments on the proposed section will be accepted for 30 days following publication in the Texas Register.

The amendment is proposed under the Health and Safety Code, §11.016, which allows the board to establish advisory committees; the Government Code, Chapter 2110, which sets standards for the evaluation of advisory committees by the agencies for which they function; and the Health and Safety Code, §12.001, which provides the board with authority to adopt rules for the performance of every duty imposed by law upon the board, the department, and the commissioner of health.

The amendment affects the Health and Safety Code, Chapter 11, and the Government Code, Chapter 2110.

Legend: (Proposed amendment)

Single Underline = Proposed new language

[Bold Print and Brackets] = Current language proposed for deletion

Regular Print = Current language

(No Change.) = No changes are being considered for the designated subdivision

§ 157.101. Emergency Health Care Advisory Committee.

(a) The committee. An advisory committee shall be appointed under and governed by this section.

(1) (No change.)

(2) The **[new]** advisory committee is established **[promulgated]** under the provisions of the Health and Safety Code, §11.016, which states the Texas Board of Health (board) may appoint advisory committees.

(b) Applicable law. The committee is subject to the Government Code, Chapter 2110 **[Texas Civil Statutes, Article 6252-33]**, concerning state agency advisory committees.

(c)-(d) (No change.)

(e) Review and duration. By May 1, 2003 **[1999]**, the board will initiate and complete a review of the committee to determine whether the committee should be continued, consolidated with another committee, or abolished. If the committee is not continued or consolidated, the committee shall be abolished on that date.

(f) Composition.

(1) The committee shall be composed of 15 **[14]** members appointed by the board as follows:

(A) **[(1)]** five **[four]** shall be consumer members; and

(B) **[(2)]** ten shall be non-consumer members as follows:

(i) **[(A)]** an emergency physician;

(ii) **[(B)]** a provider of prehospital emergency medical services;

(iii) **[(C)]** an emergency medical technician (EMT), emergency medical technician-intermediate (EMT-I) or emergency medical technician-paramedic (EMT-P);

(iv) [(D)] an emergency nurse;

§157.101

(v) [(E)] a pediatrician;

(vi) [(F)] a trauma surgeon;

(vii) [(G)] a trauma nurse;

(viii) [(H)] a facility administrator;

(ix) [(I)] a fire department provider; and

(x) [(J)] an EMS medical director.

(2) Since the composition of the committee as it existed on March 1, 1999, is changed under this section, existing members shall continue to serve until the board appoints members under the new composition.

(g) Terms of office. The term of office of each member shall be six years.

(1) Members shall be appointed for staggered terms so that the terms of a substantially equivalent number of members will expire on December 31st of each even-numbered year.

(2) (No change.)

(h) Officers. The chairman of the board [**committee**] shall appoint [**elect**] a presiding officer and an assistant presiding officer to begin serving on May 1 of each odd-numbered year [**at its first meeting after August 31st of every year**].

(1) Each officer shall serve until April 30th of each odd-numbered year. Each officer may holdover until his or her replacement is appointed by the chairman of the board [**the next regular election of officers**].

(2) The presiding officer [**shall**]:

(A) shall preside at all committee meetings at which he or she is in attendance;

(B) shall call meetings in accordance with this section;

(C) shall appoint subcommittees of the committee as necessary;

(D) shall cause proper reports to be made to the board; and

(E) may serve as an ex-officio member of any subcommittee of the committee.

§157.101

(3) The assistant presiding officer shall perform the duties of the presiding officer in case of the absence or disability of the presiding officer. If [In case] the office of presiding officer becomes vacant, the assistant presiding officer will serve until a successor is appointed [elected] to complete the unexpired portion of the term of the office of presiding officer.

(4) If the office of assistant presiding officer becomes vacant, it [A vacancy which occurs in the offices of presiding officer or assistant presiding officer] may be filled temporarily by vote of the committee until a successor is appointed by the chairman of the board [at the next committee meeting].

(5)-(6) (No change.)

(7) The presiding officer and assistant presiding officer serving on January 1, 1999, will continue to serve until the chairman of the board appoints their successors.

(i) Meetings. The committee shall meet at least twice annually and as necessary to conduct committee business.

(1)-(2) (No change.)

(3) The committee is not a “governmental body” as defined in the Open Meeting Act. However, in order to promote public participation, each [Each] meeting of the committee shall be announced and conducted in accordance with the Open Meetings Act, Texas Government Code, Chapter 551, with the exception that the provisions allowing executive sessions shall not apply.

(4)-(7) (No change.)

(j) Attendance. Members shall attend committee meetings as scheduled. Members shall attend meetings of subcommittees to which the member is assigned.

(1)-(3) (No change.)

[(4) The attendance records of the members shall be reported to the board. The report shall include attendance at committee and subcommittee meetings.]

(k)-(m) (No change.)

(n) Statement by members.

(1) The board, the department, and the committee shall not be bound in any way by any statement or action on the part of any committee member except when a statement or action is in pursuit of specific instructions from the board, department, or committee.

(2) The committee and its members may not participate in legislative activity in the name of

§157.101

the board, the department, or the committee except with approval through the department's legislative process. Committee members are not prohibited from representing themselves or other entities in the legislative process.

(o) Reports to the board. The committee shall file an annual written report with the board.

(1) The report shall list:

(A)-(D) (No change.)

(E) the status of any rules which were recommended by the committee to the board; and

(F) anticipated activities of the committee for the next year[; **and**]

[(G) any amendments to this section requested by the committee].

(2) (No change.)

(3) The report shall cover the meetings and activities in the immediate preceding 12 months and shall be filed with the board each May [**January**]. It shall be signed by the presiding officer and appropriate department staff.

(p) Reimbursement for expenses. In accordance with the requirements set forth in the Government Code, Chapter 2110 [**Texas Civil Statutes, Article 6252-33**], a committee member may receive reimbursement for the member's expenses incurred for each day the member engages in official committee business if authorized by the General Appropriations Act or budget execution process.

(1)-(5) (No change.)