

HUMAN RESOURCES CODE

CHAPTER 134. INTERAGENCY COUNCIL FOR GENETIC SERVICES

Sec. 134.001. INTERAGENCY COUNCIL FOR GENETIC SERVICES. (a) The Interagency Council for Genetic Services is established.

(b) The council consists of:

(1) a representative of the Texas Department of Mental Health and Mental Retardation, appointed by the commissioner of mental health and mental retardation;

(2) a representative of the Texas Department of Health, appointed by the commissioner of health;

(3) a representative of the Texas Department of Insurance, appointed by the commissioner of insurance;

(4) a representative of The University of Texas health science centers, appointed by the chancellor of The University of Texas System;

(5) a representative of the public and private entities that contract with the Texas Department of Health to provide genetic services, elected from their membership; and

(6) two consumers of genetic services, family members of consumers of genetic services, or representatives of consumer groups related to the provision of genetic services, appointed by the governor.

(c) The members provided for by Subdivisions (5) and (6) of Subsection (b) of this section serve two-year terms and may be reappointed or reelected for subsequent terms. A representative of the Texas Department of Mental Health and Mental Retardation, Texas Department of Health, Texas Department of Insurance, or The University of Texas health science centers serves at the pleasure of his respective commissioner or chancellor or until termination of his employment with the entity he represents.

(d) The members of the council shall annually elect one member to serve as chairperson.

(e) The council shall meet at least quarterly. Any actions taken by the council must be approved by a majority vote of the members present.

Added by Acts 1987, 70th Leg., ch. 956, Sec. 8.01, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 1217, Sec. 1, eff. Sept. 1, 1999.

Sec. 134.002. RULES. A state agency that is a member of the council shall work in coordination with the council when initiating, considering, or proposing a rule relating to human genetics or human genetic services.

Added by Acts 1999, 76th Leg., ch. 1217, Sec. 3, eff. Sept. 1, 1999.

Sec. 134.003. STAFF. (a) The council may select and use lay and professional advisors as necessary.

(b) The Texas Department of Health, Texas Department of Mental Health and Mental Retardation, Texas Department of Insurance, and The University of Texas health science centers shall share the cost of providing clerical and advisory support staff to the council.

Added by Acts 1987, 70th Leg., ch. 956, Sec. 8.01, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 1217, Sec. 3, eff. Sept. 1, 1999.

Sec. 134.004. DUTIES. The council shall:

(1) survey current resources for human genetic services in the state;

(2) initiate a scientific evaluation of the current and future needs for the services;

(3) develop a comparable data base among providers that will permit the evaluation of cost-effectiveness and the value of different human genetic services and methods of service delivery;

(4) promote a common statewide data base to study the epidemiology of human genetic disorders;

(5) assist in coordinating statewide human genetic services for all state residents;

(6) increase the flow of information among separate providers and appropriation authorities;

(7) develop guidelines to monitor the provision of human genetic services, including laboratory testing;

(8) identify state entities that serve persons who are affected by or who are at risk of having children who are affected by environmental genetic disorders and coordinate activities with those agencies; and

(9) work in coordination with the state agencies named

in Sections 134.001(b)(1), (2), and (3) when the agency initiates, considers, or proposes a rule relating to human genetics or human genetic services.

Added by Acts 1987, 70th Leg., ch. 956, Sec. 8.01, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 90, Sec. 2, eff. Sept. 1, 1989; Acts 1999, 76th Leg., ch. 1217, Sec. 4, eff. Sept. 1, 1999.

Sec. 134.0041. RESOURCE ALLOCATION PLAN. (a) The council biennially shall develop a resource allocation plan recommending how funds for genetic services should be spent during the next fiscal biennium.

(b) A state agency, medical school, or other entity affected by the plan shall cooperate with the council and shall submit to the council any information required by the council to develop the plan.

(c) The council shall hold public hearings to gather information necessary to prepare the plan.

(d) The plan prepared by the council shall clearly identify the level of financial resources needed to fully implement the plan and the recommended service delivery system that should be used by each state agency, medical school, or other entity that provides genetic services and receives for those services state funds or federal funds that are appropriated by the state.

(e) The council must approve the plan by a majority vote not later than June 1 of each even-numbered year. The council shall distribute the plan to each affected agency or medical school and to each entity the council considers appropriate.

(f) The plan is advisory in nature and is to be used as a guideline in the performance of statutory responsibilities. No liability shall attach due to an agency's or school's decision to deviate from the plan.

(g) A state agency or medical school affected by the plan shall use the plan as the basis for its request for appropriations during the next biennium unless the agency or school disagrees with the plan. If the agency or school disagrees with the plan or intends to deviate from the plan in its budget request, the agency or school shall submit to the council, Legislative Budget Board, and governor's budget office a written explanation of each disagreement or deviation and the reason for the disagreement or deviation. The state agency or medical school must submit the written explanation not later than November 1 of the year in which the plan is prepared.

Added by Acts 1989, 71st Leg., ch. 90, Sec. 5, eff. Sept. 1, 1989.

Sec. 134.005. USE OF FUNDS. (a) The council may receive any appropriation, donation, contribution, or other funds from the state or federal government or any other public or private source to perform its duties under this Act. The Texas Department of Health shall accept the funds on behalf of the council and shall deposit any funds accepted under this subsection to the credit of a special account in the General Revenue Fund. The department may retain a percentage of any funds accepted on behalf of the council to cover its costs in administering this subsection. The percentage retained by the department shall be set at a level agreeable to the council.

(b) If the Texas Department of Health, Texas Department of Mental Health and Mental Retardation, Texas Department of Insurance, or The University of Texas health science centers receive federal funds to be used only to coordinate and plan statewide genetic services, the department or system shall transfer the funds to the council through the Texas Department of Health to be used for the purposes for which the funds were received.

(c) The council shall adopt and employ policies and methods of financial management which are acceptable to the Texas Department of Health.

(d) The Texas Department of Health may expend funds received on behalf of the council under this section for the purposes of this Act, in accordance with the recommendations from the council.

Added by Acts 1987, 70th Leg., ch. 956, Sec. 8.01, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 90, Sec. 3, eff. Sept. 1, 1989; Acts 1999, 76th Leg., ch. 1217, Sec. 5, eff. Sept. 1, 1999.

Sec. 134.006. ANNUAL REPORTS. The council shall annually submit a progress report to the boards of the Texas Department of Health and the Texas Department of Mental Health and Mental Retardation, to the commissioner of the Texas Department of Insurance, and to the board of regents of The University of Texas System.

Added by Acts 1987, 70th Leg., ch. 956, Sec. 8.01, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 1217, Sec. 6, eff. Sept. 1, 1999.