

HEALTH AND SAFETY CODE CHAPTER 113. TEXAS ORGAN, TISSUE, AND EYE
DONOR COUNCIL

HEALTH AND SAFETY CODE

TITLE 2. HEALTH

SUBTITLE E. HEALTH CARE COUNCILS AND RESOURCE CENTERS

CHAPTER 113. TEXAS ORGAN, TISSUE, AND EYE DONOR COUNCIL

Chapter 113, consisting of Secs. 113.001 to 113.104, was added by
Acts 2005, 79th Leg., Ch. 1186, Sec. 5.

For another Chapter 113, consisting of Secs. 113.001 to 113.014,
added by Acts 2005, 79th Leg., Ch. 1016, Sec. 1, see Sec. 113.001 et
seq., post.

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 113.001. DEFINITIONS. In this chapter:

(1) "Council" means the Texas Organ, Tissue, and Eye
Donor Council.

(2) "Commissioner" means the commissioner of state
health services.

(3) "Department" means the Department of State Health
Services.

(4) "Public safety director" means the public safety
director of the Department of Public Safety.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.002. SUNSET PROVISION; ABOLISHMENT. The Texas
Organ, Tissue, and Eye Donor Council is subject to Chapter 325,
Government Code (Texas Sunset Act). Unless continued in existence
as provided by that chapter, the council is abolished and this
chapter expires September 1, 2017, unless the department and the
council mutually determine that the public interest is best served
by abolition of the council and agree to abolish the council on an
earlier date.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

SUBCHAPTER B. COUNCIL

Sec. 113.051. COMPOSITION OF COUNCIL. (a) The council is
composed of:

(1) a representative of the department appointed by the commissioner;

(2) a representative of the Department of Public Safety appointed by the public safety director;

(3) a representative of the Texas Department of Transportation appointed by the executive director of that agency;

(4) five professional members appointed by the commissioner as follows:

(A) one representative from each of the state's three federally qualified organ procurement organizations nominated by each organization;

(B) one representative who is a transplant physician or nurse licensed in this state; and

(C) one representative of an acute care hospital in this state; and

(5) two public members appointed by the commissioner.

(b) A public member of the council must:

(1) be a donor, recipient, or member of a donor's family; and

(2) be selected from a pool of members compiled from the recommendations of the following nonprofit organizations in the field of transplantation and organ donor education:

(A) the Texas Medical Association;

(B) the Texas Transplantation Society;

(C) the Transplant Nurses' Association;

(D) the National Kidney Foundation;

(E) the National Minority Organ Tissue Transplant Education Program; and

(F) the American Society of Minority Health and Transplant Professionals.

(c) A member of the council who is a representative of an agency of this state is a nonvoting member of the council.

(d) Appointments to the council shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.052. MEMBERSHIP ELIGIBILITY. A person is not eligible for appointment as a professional or public member of the council if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the council or from the department regarding a matter on which the council advises the department;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from the council or from the department regarding a matter on which the council advises the department; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the council or from the department regarding a matter on which the council advises the department, other than compensation or reimbursement authorized by law for council membership, attendance, or expenses.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.053. TERMS; VACANCY. (a) Council members appointed by the commissioner serve for staggered six-year terms, with the terms of two or three members, as applicable, expiring February 1 of each odd-numbered year.

(b) A council member appointed as a representative of an agency serves at the will of the appointing agency.

(c) If a vacancy occurs, the commissioner or other appropriate appointing authority shall appoint a person, in the same manner as the original appointment, to serve for the remainder of the unexpired term.

(d) An appointed member may not serve more than one term consecutively.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.054. PRESIDING OFFICER. The commissioner shall designate a public member of the council as the presiding officer of the council to serve in that capacity at the will of the commissioner.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.055. GROUND FOR REMOVAL. (a) It is a ground for removal from the council that a member:

(1) does not have at the time of taking office the qualifications required by this chapter;

(2) does not maintain during service on the council the qualifications required by this chapter;

(3) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(4) is absent from more than half of the regularly scheduled council meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the council.

(b) The validity of an action of the council is not affected by the fact that it is taken when a ground for removal of a council member exists.

(c) If the commissioner has knowledge that a potential ground for removal exists, the commissioner shall notify the presiding officer of the council of the potential ground. The presiding officer shall then notify the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the director shall notify the next highest ranking officer or most senior member of the council, who shall then notify the attorney general that a potential ground for removal exists.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.056. MEETINGS; QUORUM. (a) The council shall meet at least twice each calendar year and at the call of the presiding officer.

(b) The council shall adopt bylaws for the conduct of its meetings.

(c) Any action taken by the council requires two-thirds of the members to be present and the action must be approved by a majority of the members present.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.057. COMPENSATION. (a) A member of the council may not receive compensation for service on the council.

(b) A member shall be reimbursed for the member's actual and necessary expenses for meals, lodging, transportation, and incidental expenses incurred while performing council business, subject to any applicable limitation on reimbursement prescribed by the General Appropriations Act.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.058. INFORMATION ABOUT STANDARDS OF CONDUCT. The commissioner or the commissioner's designee shall provide to members of the council, as often as necessary, information regarding the requirements for membership on the council under this chapter, including information regarding a person's responsibilities under laws relating to applicable standards of conduct.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

SUBCHAPTER C. COUNCIL POWERS AND DUTIES

Sec. 113.101. GENERAL DUTIES. The council as required by the department shall:

(1) advise the department concerning the Donor Education, Awareness, and Registry Program of Texas established under Chapter 49;

(2) advise the department on priorities for the initiatives to be implemented under the Donor Education, Awareness, and Registry Program of Texas established under Chapter 49;

(3) advise the department regarding donor education, awareness, and registry outreach specifically targeted at African American and Hispanic populations;

(4) advise the commissioner, public safety director, and director of the Texas Department of Transportation on the allocation of money received by the comptroller for the activities authorized under Chapter 49; and

(5) advise the department, Department of Public

Safety, and the Texas Department of Transportation regarding necessary performance standards and quality control measures concerning the operation of the statewide Internet-based donor registry, as well as related donor educational programs.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.102. REPORT. Before December 1 of each even-numbered year, the council shall submit a report of the council's activities and recommendations to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.103. AUDIT. The financial transactions pertaining to the council are subject to audit by the state auditor in accordance with Chapter 321, Government Code.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.104. COSTS IN ADMINISTERING PROGRAM. Ten percent of all money collected under Sections 521.421(g), 521.422(c), and 502.1745, Transportation Code, may be appropriated only to the department to administer this chapter.

Added by Acts 2005, 79th Leg., Ch. 1186, Sec. 5, eff. June 18, 2005.