

CHAPTER 241

H.B. No. 1066

AN ACT

relating to the establishment, powers, and duties of the Texas Council on Alzheimer's Disease and Related Disorders and to the powers and duties of the Texas Department of Health in relation to the council.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. DEFINITIONS. In this Act:

(1) "Alzheimer's disease and related disorders support group" means a local, state, or national organization that is established to provide support services to aid victims of Alzheimer's disease and related disorders and their caregivers, that encourages research into the cause, prevention, treatment, and care of victims of Alzheimer's disease and related disorders, and that is dedicated to the development of essential services for victims of Alzheimer's disease and related disorders and their caregivers.

(2) "Board" means the Texas Board of Health.

(3) "Council" means the Texas Council on Alzheimer's Disease and Related Disorders.

(4) "Department" means the Texas Department of Health.

(5) "Family member" means an individual who is related to an Alzheimer's disease and related disorders victim but who is not a primary caregiver.

(6) "Primary family caregiver" means an individual who is a relative of an Alzheimer's disease and related disorders victim, who has or has had a major responsibility for care and supervision of the victim, and who is not a professional health care provider paid to care for the victim.

SECTION 2. CREATION OF COUNCIL. (a) The Texas Council on Alzheimer's Disease and Related Disorders is established.

(b) The council is composed of:

(1) five public members, one of whom is a family member, one of whom is a primary family caregiver, two of whom are members of an Alzheimer's disease and related disorders support group, and one of whom is an interested citizen;

(2) seven professional members with special training and interest in Alzheimer's disease and related disorders, with one representative each from nursing homes, physicians, nurses, public hospitals, private hospitals, home health agencies, and faculty of institutions of higher education; and

(3) the chief executive officer or the officer's designated representative from the Texas Department on Aging, Texas Department of Health, Texas Department of Human Services, Texas Department of Mental Health and Mental Retardation, and Long-Term Care Coordinating Council for the Elderly.

(c) The governor shall appoint two public members and two professional members, the lieutenant governor shall appoint two public members and two professional members, and the speaker of the house of representatives shall appoint one public member and three professional members.

(d) The members of the council shall annually elect a chairperson from the council except that an agency representative may not serve as chairperson.

SECTION 3. TERMS AND COMPENSATION. (a) Appointed council members serve for staggered terms of two years, with the terms of six members expiring on September 1 of each even-numbered year and the terms of six members expiring on September 1 of each odd-numbered year. If a vacancy occurs, the appropriate appointing authority shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment. A person who has served two full terms is not eligible for reappointment.

(b) Members of the council receive no compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing their duties. A representative

of a state agency shall be reimbursed from the funds of the agency the person represents. Other members shall be reimbursed from funds made available to the council.

(c) If funds are not made available to the council, members who are not representatives of state agencies serve at their own expense.

SECTION 4. MEETINGS. (a) The council shall meet at least two times in each calendar year and at the call of the chairperson.

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

(c) A majority of the members of the council constitutes a quorum.

(d) Any action taken by the council must be approved by a majority of the members present.

SECTION 5. FUNCTIONS OF THE COUNCIL. The council shall:

(1) advise the board and recommend needed action for the benefit of victims of Alzheimer's disease and related disorders and for their caregivers;

(2) coordinate public and private family support networking systems for primary family caregivers;

(3) disseminate information on services and related activities for victims of Alzheimer's disease and related disorders to the medical and health care community, academic community, primary family caregivers, advocacy associations, and general public;

(4) coordinate a volunteer assistance program primarily for in-home and respite care services;

(5) encourage research to benefit victims of Alzheimer's disease and related disorders;

(6) recommend to the board disbursement of grants and funds available for the council; and

(7) facilitate coordination of state agency services and activities relating to victims of Alzheimer's disease and related disorders.

SECTION 6. DUTIES AND POWERS OF DEPARTMENT. The department shall:

(1) provide administrative assistance, services, and materials to the council;

(2) accept, deposit, and disburse funds made available to the council at the direction of the board;

(3) accept gifts and grants on behalf of the council from any public or private entity;

(4) maintain a population data base of victims of Alzheimer's disease and related disorders in Texas; and

(5) apply for and receive on behalf of the council any appropriations, donations, contributions, or other funds from the state and federal government or any other public or private entity subject to the limitations and conditions prescribed by legislative appropriation.

SECTION 7. GIFTS AND GRANTS. (a) The council is encouraged to seek and the department may accept on behalf of the council a gift, grant, or donation from any public or private entity.

(b) The board shall deposit any money received under Subsection (a) of this section in the state treasury to the credit of a special fund known as the Alzheimer's disease and related disorders council fund to be used for the purposes of this Act.

SECTION 8. REPORT. Before September 1 of each even-numbered year, the council shall submit a biennial report of the council's activities and recommendations to the governor, lieutenant governor, speaker of the house of representatives, members of the legislature, Long-Term Care Coordinating Council for the Elderly, and the board.

SECTION 9. APPLICATION OF OTHER LAWS. (a) The council is subject to the Texas Sunset Act (Chapter 325, Government Code). Unless continued in existence as provided by that Act, the council is abolished and this Act expires effective September 1, 1999.

(b) The council is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and

the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

SECTION 10. INITIAL APPOINTMENTS. On the effective date of this Act, the governor, lieutenant governor, and the speaker of the house of representatives shall appoint the members of the council. The governor and the lieutenant governor shall each designate one public member and one professional member for terms expiring September 1, 1988, and one public member and one professional member for terms expiring September 1, 1989. The speaker of the house of representatives shall designate one public member and one professional member for terms expiring September 1, 1988, and two professional members for terms expiring September 1, 1989.

SECTION 11. EFFECTIVE DATE. This Act takes effect September 1, 1987.

SECTION 12. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 29, 1987, by a non-record vote. Passed by the Senate on May 14, 1987, by a viva-voce vote.

Approved May 28, 1987.

Effective Sept. 1, 1987.