



# SB 219/HB 550: Why a clarification bill is necessary as part of the HHSC Sunset process

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## Background

The Sunset Commission's current review of the Health and Human Services Commission (HHSC) is the first such review undertaken since 1999. In 2003, the Legislature passed HB 2292, which consolidated twelve health and human services agencies down to five and established the current structure of HHSC.

That reorganization brought major changes to health and human services but failed to address, on a comprehensive level, all the changes to statute that the reorganization required throughout various codes. As a result, many parts of current statute still refer to legacy agencies, programs, and provisions that no longer exist or have been replaced. In addition, much of the code does not accurately reflect the executive commissioner's current role across a wide spectrum of HHSC activities such as rule making, administration, system oversight, agency coordination, convening advisory panels and appointing advisory committees, and contracting.

## Need for a Clarification and Code Cleanup Bill

In order for the Sunset Commission to draft legislation for HHSC and its agencies that is comprehensible and consistent, an update or "code cleanup" bill was necessary. Because the Sunset Commission has proposed reforms for each of the four HHSC agencies, as well as HHSC itself, the Legislature must first pass a clarification bill so that subsequent Sunset bills refer to statutory language that is accurate, uniform, and up to date.

Thus, the main issues addressed by SB 219/HB 550 concern the proper designation of agencies in statute, the commissioner's role across the HHSC enterprise, and clarification of the agency and executive commissioner's existing authority with

respect to contracting and auditing relating to the agency and commissioner's powers, responsibilities, and activities.

In some cases, chapters of law were repealed because of specific changes to federal and state law enacted since the passage of HB 2292. In other cases, changes to various codes and chapters were necessary—a total of nine codes and 262 chapters. And in still other cases, a chapter was repealed and reenacted with updates or other changes in the bill to clear up confusion regarding its status.

## SB 219/HB 550 does not change policy

The changes to code in SB 219/HB 550, though voluminous when examined as a whole, are not substantive. Most changes are minor and concern references to an agency, office, or program. For example, the bill changes "department" to "commission" in a number of places to reflect the reorganization effected by HB 2292.

While concern over the contents of a bill that exceeds 2,200 pages is understandable, state lawmakers should know that this particular bill makes no changes to policy but merely clarifies and cleans up statutory language, making it consistent and comprehensible.

The unique legislative history of health and human services reform in Texas makes passing such a bill a necessary precursor to enacting reform of the current HHSC system. Without a "code cleanup" bill like SB 219/HB 550, further consolidation and reorganization of HHSC will result in statutory language that is all but indecipherable. ★

