

# TETAF Report on the 85th Texas Legislative Session

June 2017



Advocates joined Sen. Charles Schwertner, MD, to recognize Trauma and Emergency Healthcare Day at the Capitol.



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# MESSAGE FROM THE CEO

*“Everybody in government is like a bunch of ants on a log floating down a river. Each one thinks he is guiding the log, but it’s really just going with the flow.” - Robert S. Strauss, April 17, 1978, Texan, lawyer and politician, Chairman of the Democratic National Party*

As I reflect on the end of the 85th Texas Legislature I am reminded of this quote that has long sat on my desk. TETAF’s involvement in the state legislative process ensures that the needs of the trauma and emergency healthcare system are heard. However, sometimes the greater will in the form of budget deficits (about \$10 billion this year) or bigger, political issues (CPS, mental health, border security, gender neutral bathrooms) take precedence with lawmakers. I am proud of the growing voice that the trauma and emergency healthcare system provides to the legislature and I am especially thankful to those of you that have taken the time and energy to come to the Capitol or develop relationships with your legislators through phone calls and district visits.

Your hard work does make a difference! Despite a difficult legislative session, trauma and emergency healthcare advocates helped pass a texting while driving ban, maintain funding for the trauma and emergency healthcare system during a period of significant cuts and set the groundwork for meaningful reform to the Driver Responsibility Program. Everyone who took time to participate in the process this session helped bring greater understanding of the trauma system to the legislature and your hard work will continue to pay dividends as we move forward.

TETAF continues to expand our presence at the Capitol and strengthen our connections to lawmakers and legislative staff. Courtney DeBower returned to the halls of the Capitol with me for the second session as a TETAF staff member. Her attention to detail and timely, effective communication with stakeholders enhanced our ability to engage all of you in the process, while ensuring staff coverage of important hearings and events. In addition, the TETAF Board of Directors hired two contract lobbyists to support the efforts of TETAF’s in-house advocacy staff. The addition of Brian Yarbrough and Janiece Crenwelge allowed TETAF to have a daily presence at the Capitol, while continuing to operate the year-round business of the organization. I am thankful to all of them for their dedication throughout the process.

I am honored to support the work that all of you do every day and to serve as a voice for the trauma and emergency healthcare system at the Capitol. I encourage all of you to remain engaged as we monitor the upcoming special session and prepare for 2019!

Dinah S. Welsh  
Chief Executive Officer

## GENERAL UPDATE

The 85th regular legislative session began January 10 and continued through May 29, 2017. During the 85th session, a record low number of bills were sent to the Governor (12.4% of bills filed, compared to 21.1% in 2015 and 24.5% in 2013). Governor Abbott also vetoed 50 bills, the highest number since 2007. Veto explanations ranged from too costly, to too burdensome to unnecessary.

Over 200 advocates traveled to Austin in February for the biannual "Trauma and Emergency Healthcare Day at the Capitol." Physicians, nurses, EMTs, survivors and other advocates spent the day meeting with lawmakers to share firsthand the needs of the trauma and emergency healthcare system. They were also recognized in both the House and Senate gallery and resolutions were passed recognizing the event and the achievements of the system.

The Governor has called for a special session with 20 items on the call as of the time of printing. The following report highlights some of the nearly 150 bills monitored by TETAF throughout the regular session.

## STATE BUDGET

The state budget is the one bill lawmakers constitutionally must pass every other year. Unlike the past two sessions, lawmakers entered the 85th legislative session facing significant budget restraints. A lack of available state funding led to an often contentious session, with every recipient fighting to avoid funding cuts.

The legislature eventually sent to the Governor a \$217 billion budget for the 2018-2019 fiscal years. While the budget does increase funding to address mental health, as well as the crisis in the state's child protective services program, it also includes significant cuts to long-standing programs. In addition, the Governor used his line-item veto authority to cut an additional \$120 million from the budget sent to him, which includes funding intended to improve air quality and assist colonias along the Texas-Mexico border.

Despite the challenging financial scenario, TETAF took on several legislative priorities related to the budget this session. Advocates worked hard to advance a rider calling for \$6 million a year in additional funding to the Regional Advisory Councils (RACs). Extensive advocacy efforts led to Rep. J.D. Sheffield, DO (R-Gatesville), including the rider in the House version of the budget. However, the Senate did not confer and the final version of SB 2 did not include the additional RAC funding. While funding was not increased this session, advocates laid the groundwork for future requests and educated lawmakers and staff

on the important role of the RACs within the trauma and emergency healthcare system.

Advocates also worked hard to prevent cuts to existing funding and the final budget maintains trauma and emergency healthcare funding at previous levels.

## REGIONAL ADVISORY COUNCILS

In addition to the RAC funding rider, many of the state's 22 Regional Advisory Councils worked with Rep. Sarah Davis (R-Houston) to support HB 1148. The bill would have established administrative cooperatives, designated by the Department of State Health Services, responsible for various administrative functions for the RACs assigned to that cooperative, including grants, contract management and human resources. It also would have required the development of a 25-year plan for the coordination of emergency healthcare services.

HB 1148 was one of the first bills to pass on the House Floor. However, the Senate chose to delay the referral of House bills to Senate committees. Ultimately, the bill was placed on the Senate local and uncontested calendar during the final days of the session but was pulled from uncontested after the general calendar deadline, leaving the bill without an alternative path forward.

Rep. Davis has indicated she will continue to work with the RACs throughout the interim to find consensus and bring forward future legislation.

## INJURY PREVENTION

**DISTRACTED DRIVING** – After 10 years of advocacy on this effort, the Texas Legislature finally passed legislation creating a statewide ban on texting while driving and HB 62 was signed into law by Governor Abbott on June 6. Rep. Tom Craddick (R-Midland) and Sen. Judith Zaffirini (D-Laredo) spearheaded this important, non-partisan injury prevention legislation with support from advocates throughout the state who traveled to Austin to make their voices heard. More than 85 advocates registered support at the House hearing, with equally impressive support seen at the Senate hearing. HB 62 will go into effect on Sept. 1, 2017.

**NURSING** – During the 84th legislative session, the legislature passed HB 2696 by Rep. Donna Howard (D-Austin), calling for a study on reducing workplace violence against nurses. That study, conducted by the Department of State Health Services, found that workforce violence against nurses is a frequent occupational hazard, with approximately half of nurses experiencing physical violence over the course of their career. The study



recommended that healthcare facilities evaluate violent incidents and identify preventative measures that are facility-specific based on location, size and the incidence of violence.

HB 280, also by Rep. Donna Howard, was signed into law this session and expands upon the study by creating a grant program to fund innovative approaches for reducing verbal and physical violence against nurses in hospitals, freestanding emergency medical care facilities, nursing facilities and home health agencies.

**RED LIGHT CAMERAS** – Efforts continued this session to ban the use of red light cameras in Texas. TETAF opposed these efforts from both an injury prevention standpoint (studies show that red light cameras lead to fewer side impact collisions, therefore reducing injury severity and fatalities), as well as a funding standpoint (the state portion of funding from red light cameras has been rolled into account 5111, the main funding source for trauma and emergency healthcare appropriations). Despite almost 20 bills significantly modifying or eliminating the program, none were passed out of both chambers thanks to funding concerns and extensive advocacy efforts.



Red Light Camera advocates at the state capitol.



Trauma advocates meeting with Sen. José Menéndez.

## DRIVER RESPONSIBILITY PROGRAM

Efforts to eliminate the Driver Responsibility Program (DRP) have intensified over the years and 2017 appeared to be the year the program would be discontinued. While the program was originally seen as a way to fund trauma care by fining irresponsible drivers, the DRP was never fully implemented as envisioned and the negative consequences of the program have outweighed the increased funding in the minds of many. Currently, approximately half of the funding brought in through the DRP goes to account 5111 while the other half goes toward general revenue spending.

Thanks to strong advocacy efforts, the legislature has recognized the need to provide replacement funding for the trauma system before repealing the DRP. Advocates worked throughout the interim and the session to identify replacement sources of funding and despite an unprecedented number of bills filed to eliminate the program, the bill that ultimately received traction was HB 2068 by Rep. Larry Phillips (R-Sherman). Rep. Phillips worked tirelessly to bring together all stakeholders and identify a solution that would eliminate the DRP while satisfying current funding needs. TETAF joined the Texas Hospital Association, Smart on Crime Coalition, Justices of the Peace and Constables Association of Texas and others in supporting HB 2068. The bill would have increased the state traffic fine, continuing to penalize irresponsible drivers while also giving counties and judges more leeway to adjudicate individual cases.

Ultimately, HB 2068 was pulled from the intent calendar during the last few days of the session. Indications are that the vendor for the DRP was able to influence key lawmakers to keep the program. In addition, there were major concerns about two proposed amendments that would affect long-term viability of the replacement funds. Advocates will continue to work throughout the next interim to research alternative funding sources and unite stakeholders.

## EMERGENCY MEDICAL SERVICES

**THE TEXAS EMS ASSISTANCE PROGRAM** – The legislature passed HB 1407 by Rep. J.D. Sheffield, DO, creating the framework to preserve local project grants and create a distance learning program for rural paramedics. While the bill was not funded through the appropriations process, passage is an important step toward implementing the program.

**FIREARMS** – Multiple bills were filed this session related to the carrying of handguns by emergency medical services personnel. TETAF joined other EMS organizations in expressing concern over the majority of these bills. However, we were able to support HB 435 by Rep. Ken King (R-Canadian) due to the fact that it applies solely to volunteer EMS personnel and allows each agency discretion in implementing regulations regarding the carrying of a handgun. HB 435 will take effect on Sept. 1, 2017.



Trauma advocates meeting with Sen. Larry Taylor.

**PROPERTY TAX EXEMPTION** – SB 15 by Sen. Don Huffines (R-Dallas) provides a property tax exemption on the resident homestead of the surviving spouse of a first responder killed in the line of duty. Because this bill will require a change to the state constitution, it must be confirmed by Texas voters during statewide elections. The legislature also passed SJR 1 by Sen. Donna Campbell (R-New Braunfels) specifically calling for a constitutional amendment to provide a property tax exemption to the surviving spouse. The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 7, 2017.

**MENTAL HEALTH** – HB 1794 by Rep. Cecil Bell (R-Magnolia) establishes a work group on mental health access for first responders through the Health and Human Services Commission. The work group will develop and make recommendations to the state for improving access to mental health care services for first responders.

**WORKERS' COMPENSATION** – Multiple bills were passed this session regarding access to workers' compensation for first responders. HB 1983 by Rep. John Wray (R-Waxahachie) amends the state labor code to make PTSD, as diagnosed according to the American Psychiatric Association, a compensable injury under workers' compensation. HB 2082 by Rep. Dustin Burrows (R-Lubbock) designates a liaison to assist first responders with workers' compensation claims. HB 2119 by Rep. Kyle Kacal (R-College Station) extends workers' compensation death benefits paid to the surviving spouse of a first responder. Previous legislation extended the benefits for the life of the surviving spouse, regardless of whether they chose to remarry. However, the previous legislation was not retroactive. HB 2119 updates previous legislation to apply to all surviving spouses, regardless of when the benefit was first received.

**PREKINDERGARTEN EDUCATION** – HB 357 by Rep. Dan Huberty (R-Kingwood) was signed into law June 15 and is effective immediately. The bill expands the availability of state funded prekindergarten programs to children of those eligible for the Star of Texas Award.

## STOP THE BLEED

Rep. Trent Ashby (R-Lufkin) helped spread the word about the Stop the Bleed campaign through two resolutions (HCR 61 and HCR 65). The resolutions both recognize the crucial role of bystander intervention in bleeding control after an emergency and encourage all Texans to participate in the initiative and learn more about the importance of bleeding control measures.

In addition, TETAF partnered with Texas Harris Health Methodist to sponsor two Stop the Bleed training opportunities for lawmakers and capitol staff.



Legislative staff completed a Stop the Bleed training course.

**For more information regarding the legislative session and/or specific bills, please contact:**

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TETAF already is working to prepare for the next regular session of the Texas Legislature, which convenes Jan. 8, 2019.



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