

SENATE JOINT RESOLUTION 112

By Watson

A RESOLUTION to create a special joint committee to study the feasibility of establishing a system to make certain health-related boards and commissions more autonomous.

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that there is hereby created a special joint committee to study the feasibility of establishing a system to make certain health-related boards and commissions more autonomous.

BE IT FURTHER RESOLVED, that the committee shall be composed of the following members:

- The commissioner of finance and administration or the commissioner's representative;
- The commissioner of health or the commissioner's representative;
- The commissioner of personnel or the commissioner's representative;
- The comptroller of the treasury or the comptroller's representative;
- Three (3) members of the senate, to be appointed by the speaker of the senate;
- Three (3) members of the house of representatives, to be appointed by the speaker of the house; and
- One (1) ex-officio member from each of the health-related boards or commissions that are interested in studying the feasibility of establishing a system to make health-related boards and commissions more autonomous.

BE IT FURTHER RESOLVED, that the committee shall determine whether it wants the participating boards and commissions to be established autonomously with limited, but

necessary, regulatory oversight by state government, and to ensure the boards and commissions are operating effectively, efficiently, and legally in accordance with state law.

BE IT FURTHER RESOLVED, that the committee shall study such issues of importance that a board or commission must evaluate in considering whether to become more autonomous, including but not limited to, the feasibility of a board or commission:

- (1) Being established as an instrument of the state that can adopt its own written policies, procedures, and rules and regulations to govern its internal operations;
- (2) Initiating procedures necessary to ensure that its licensees meet all qualifications, and that investigations and disciplinary action against licensees are handled expeditiously and effectively;
- (3) Employing an executive director and other staff at salaries the entity deems necessary to perform its functions;
- (4) Determining the efficacy of a board or commission employing its own investigators and attorneys in order to improve the responsiveness to public and provider complaints, investigations, and disciplinary actions;
- (5) Depositing all revenue and grants into its own accounts within the state treasury and maintaining all books and records in accordance with generally accepted accounting principles;
- (6) Making or executing contracts and all other instruments necessary or convenient for the exercise of its duties and responsibilities;
- (7) Acquiring or disposing of, in the name of the board or commission, real or personal property;
- (8) Procuring goods, materials, supplies, and equipment in accordance with state and federal guidelines and, where practical, on a competitive basis;
- (9) Procuring insurance in amounts and from insurers to protect the board or commissions in carrying out its duties and responsibilities;

(10) Assuring that the board's or commission's operations are being run effectively through such possible state oversight mechanisms that include, but are not limited to the:

(i) Submission of an annual plan of operation for approval to the commissioner; and

(ii) Completion of an annual report of the activities of the board or commission to the governor and standing committees of the general assembly, and compilation of an annual audit performed by the comptroller.

(11) Utilizing the state's existing computer and software systems to maintain its licensure files or the need of establishing its own IT systems for licensure purposes;

(12) Maintains current employees on state service such that there would be no break in service and no reduction in employee benefits, including, but not limited to, retirement plans, deferred compensation plans, cafeteria plans, and health plans; and

(13) Determining the efficacy of multiple self-governing boards and commissions employing shared staff to carry out administrative, investigative, or legal functions of the entities.

BE IT FURTHER RESOLVED, the committee shall also study the impact, if any, on any boards or commissions that remain under the existing domain of the state's administrative, purchasing and personnel systems, and shall make recommendations on changes to state statutes that would be required before any board or committee could decide to initiate actions to become self-governing.

BE IT FURTHER RESOLVED, that the committee shall not, under any circumstances, consider or make any recommendations that would change the make-up or composition of any board or commission, or the appointment process for any board or commission currently in statute.

BE IT FURTHER RESOLVED, that all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, that the department of health shall provide necessary administrative support to the special joint committee as requested.

BE IT FURTHER RESOLVED, that all legislative members of the special joint committee who are duly elected members of the general assembly shall remain members of such committee until the committee reports its findings and recommendations to the general assembly. Non-legislative members of the committee shall serve without compensation.

BE IT FURTHER RESOLVED, that the special joint committee shall be convened by the member with the most years of continuous service in the general assembly, and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary from among its legislative membership.

BE IT FURTHER RESOLVED, that the special joint committee shall only meet on days when the house of representatives and the senate are otherwise meeting in session or committee.

BE IT FURTHER RESOLVED, that the special joint committee shall make a preliminary report of its progress to the standing health committees of the One Hundred Eighth General Assembly and to the governor no later than February 1, 2014, and shall make a final report no later than December 31, 2014, at which time the committee shall cease to exist.