

## **Texas Diabetes Council Legislative Activities Overview and Guidance**

[Texas Health and Safety Code, Chapter 103](#), established the Texas Diabetes Council (TDC) and governs the duties and activities of the council. Additionally, [Texas Government Code, Chapter 551](#) and [Texas Administrative Code, Title 25, Chapter 651](#) outline the procedures for council meetings.

TDC has two primary mechanisms for informing the legislature on designated topics — advising the legislature and the State Plan. It is recommended that TDC consult the DSHS staff assigned to support the council if it intends to use other avenues to advocate, educate, or advise the legislature or other governing entities. DSHS staff can then bring the issue to the DSHS program attorney to ensure the topic and activity is within the scope of statute. DSHS staff will also make sure that DSHS leadership and Government Affairs are updated on planned TDC legislative activities.

### **1. Advising the Legislature**

Statute allows the TDC to advise the legislature on legislation to further develop and maintain a statewide system of quality education services for persons with diabetes. Council members can comment or provide testimony on legislation; but it is recommended that when doing so Council members explain how the legislation affects persons with diabetes. When advising the legislature, it is important that members stay within the scope of Council duties under HSC, Chapter 103.

Before TDC members engage in activities advising the legislature, the action should receive a favorable vote by TDC in a public meeting.

Because DSHS, other state agencies, and their staff cannot lobby the legislature, a TDC member comment or testimony for or against proposed legislation cannot be presented as the official position of DSHS. Other than the required assistance in developing the TDC's legislative reports, DSHS staff cannot assist TDC with drafting materials that take a position on or propose legislation.

The following table provides general guidance for TDC members' actions. Volunteer workgroup members cannot participate in these actions on behalf of TDC.

**After an approving vote by the TDC, TDC members can do the following...**

TDC Member Action	Allowed per DSHS Legal
Initiate contact with a legislator verbally or in writing	Yes
Provide testimony in a hearing for or against a bill	Yes, notify DSHS first
Advise a legislator to vote a certain way on a bill	Yes, notify DSHS first
Propose legislation	Yes, notify DSHS first
Send a letter from TDC to non-legislative elected officials (e.g. Governor, Attorney General)	Yes, consult with DSHS first

**Relevant Statute:**

The TDC powers and duties under [HSC, Chapter 103, Section 103.014](#) include:

- (a) *The council shall address contemporary issues affecting health promotion services in the state, including:*
  - (1) *professional and patient education;*
  - (2) *evidence-based diabetes self-management education strategies;*
  - (3) *evidence-based strategies to achieve the council's mission;*
  - (4) *state expenditures for the prevention, detection, management, and treatment of diabetes and obesity; and*
  - (5) *public awareness of the specific risks and benefits of prevention, detection, management, and treatment of diabetes, including obesity-dependent diabetes.*
  
- (b) *The council shall advise the legislature on legislation that is needed to develop further and maintain a statewide system of quality education services for all persons with diabetes. The council may develop and submit legislation to the legislature or comment on pending legislation that affects persons with diabetes.*

- (c) The council may establish priorities and make recommendations for program expenditures that align with the council's mission.*
- (d) The council may engage in studies that it determines are necessary or suitable under the state plan as provided by this chapter.*

## **2. State Plan**

Statute requires that the TDC submit a state plan for diabetes and obesity treatment and education to the Texas Legislature by November 1, each odd-numbered year.

Relevant statute:

As required by [HSC, Chapter 103, Section 103.013](#):

- (a) The council shall develop and implement a state plan for diabetes treatment, education, and training to ensure that:
  - (1) this chapter is properly implemented by the agencies affected;*
  - (2) incentives are offered for private sources to maintain present commitments and to assist in developing new programs; and*
  - (3) a procedure for review of individual complaints about services provided under this chapter is implemented.**
- (b) The state plan may include provisions to ensure that:
  - (1) individual and family needs are assessed statewide and all available resources are coordinated to meet those needs; and*
  - (2) health care provider needs are assessed statewide and strategies are developed to meet those needs.**
- (c)(b-1) The state plan may include provisions to address obesity treatment, education, and training related to:
  - (1) obesity-dependent diabetes; and*
  - (2) the health impacts of obesity on a person with diabetes.**
- (d) The council shall make written recommendations for performing its duties under this chapter to the executive commissioner and the legislature. If the council considers a recommendation that will affect an agency not represented on the council, the council shall seek the advice and assistance of the agency before taking action on the recommendation. The council's recommendations shall be implemented by the agencies affected by the recommendations.*