


Rule making and ESRD


Patrick Waldron, M.Ed., LMSW
&
Beth Pickens, MHA, PHR, RN-BC

All statutes, all regulations, all rules start with


- An idea



The idea gets told to an elected representative or two




The idea gets formalized and then gets presented to the full legislature as a bill



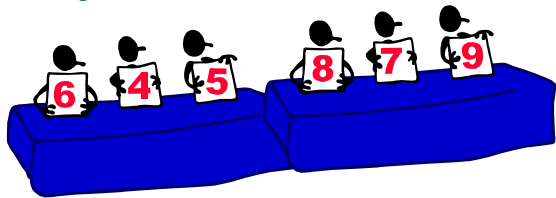
Then the bill goes to committee



There may be many people lining up to testify before the committee



And the committee listens patiently to all the speakers



When the committee reaches agreement



They send the bill back to the legislature for a vote. The bill gets “read” three times before the final vote



Once the bill gets approved by both houses of the Texas legislature



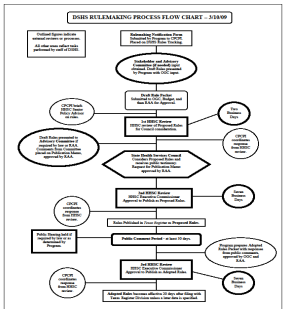
It is ENACTED and becomes law!



It is the Statute (law) that tells the Department to write the rule.

- *Sec. 4951.003. ~~APPROPRIATION~~ RULES. The board shall adopt*
- *rules to implement this chapter, including requirements for the*
- *issuance, renewal, denial, suspension, and revocation of a*
- *license*
- *to operate an end stage renal disease facility.*
- *Added by Acts 1995, 74th Leg., ch. 608, Sec. 1, eff. Sept. 1, 1995.*

Once DSHS gets the go ahead, there is a whole process to go thru



Rules are developed with stakeholder input

There were a few disagreements and discussions



The Department would take the suggestions and attempt to incorporate them into the rules. Sometimes it felt like we weren't making much progress...



Or the frustration level was getting too high...



But after three stakeholder meetings and a lot of discussion with department staff, we all finally reached agreement



Rules are updated every four years or so...

- Technology develops faster than rules can keep up. Rule are updated according to the prevailing industry standards at the time and in consideration with the CMS conditions of coverage in effect at the time as well.

Rules are also updated

- If the State legislature or United States Congress changes, deletes, or adds something that must be incorporated into rule.



Once rule is written

- Then, after scrutiny from our legal staff, the rule is presented to the DSHS Council for their consideration and approval.



From the DSHS Council

- The rule takes another trip- to the Health and Human Services Commission for their approval



By the time everybody approves

- It seems like an impossible task, like a flying cow



But we're not done yet!

- After DSHS and HHSC all approve, the rule is published in the Texas Register for a 30 day comment period. During that time, the Department gathers all comments made in response to the publication.
- The department must consider and respond to each and every comment offered.

FINALLY

- After every comment is responded to in writing, and after yet another round of legal considerations, the rule is officially published in the Texas Register with an effective date...



And another monkey is off our back for a while

