

The Sunset Process : An Overview

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- ## What is Sunset?
- Regular assessment of continuing need for state agency
 - “Do the agency’s functions continue to be needed?”
 - Major policy issues can be raised

- ## The Sunset Players
- 12 member body appointed by the Lt. Governor Dewhurst and Speaker Straus
 - Sunset Commission staff

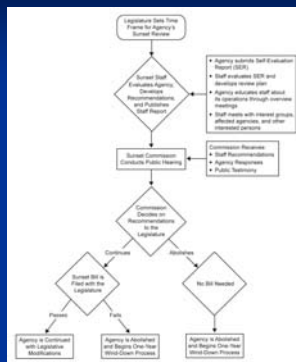
Members of the Sunset Advisory Commission

- Sen. Glenn Hegar (R-Katy)-Chair Rep. Carl Isett (R-Lubbock)
- Sen. Juan Hinojosa (D-Mission) Rep. Linda Harper-Brown (R-Irving)
- Sen. Joan Huffman (R-Houston) House Member (VACANT)
- Sen. Robert Nichols (R-Jacksonville) House Member (VACANT)
- Sen. John Whitmire (D-Houston) House Member (VACANT)
- Charles McMahan-Public Member Public Member (VACANT)

Role of Sunset Staff

- Evaluates need for agency
- Proposes needed statutory or management changes
- Develops legislation to enact proposed changes

Sunset Review Process



Sunset Staff Review Process

- Staff review: 3-8 months
- Agency completes Self-Evaluation Report (SER)
- Staff seeks input from:
 - Interest Groups
 - Professional organizations
 - Public
 - Agency personnel
 - Performance reports
 - Operational data

Sunset Review Questions

<ol style="list-style-type: none"> 1. How efficiently and effectively does the agency and its advisory committees operate? 2. How successful has the agency been in achieving its mission, goals, and objectives? 3. Does the agency perform any duties that are not statutorily authorized? If so, what is the authority for those activities and are they necessary? 4. What authority does the agency have related to fees, inspections, enforcement, and penalties? 5. In what ways could the agency's functions/operations be less burdensome or restrictive and still adequately protect and serve the public? 6. How much do the agency's programs and jurisdiction duplicate those of other agencies and how well does the agency coordinate with those agencies? 	<ol style="list-style-type: none"> 7. Does the agency promptly and effectively address complaints? 8. To what extent does the agency encourage and use public participation when making rules and decisions? 9. How has the agency complied with state and federal requirements regarding equal employment opportunity, the rights and privacy of individuals, and purchasing guidelines for historically underutilized businesses? 10. How effectively does the agency enforce rules on potential conflicts of interest of its employees? 11. How effectively and efficiently does the agency comply with the Public Information Act and the Open Meetings Act? 12. government intervention or loss of federal funds?
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Sunset Staff Makes Recommendations

1. Public hearing is conducted
2. Staff recommendations are presented
3. Agency responds to recommendations
4. Public testimony
5. Commission considers recommendations and input

Sunset Review Timeframes

August '09	Agencies submit SER
September '09 to January '10	Sunset staff prepares reports; Sunset Commission holds public hearings and makes decisions.
February '10	Report to 81st Legislature on agencies subject to Sunset in 2009.
January to May '11	Legislature considers Sunset Commission recommendations.

Commission's Report

- Must include recommendation to **continue** or **abolish** the agency
- May contain other recommendations
- If continuation is recommended:
 - Legislation must extend for 12 years
 - Correct problems identified during review process

How Can Public Participate?

- Input with Staff
- Review Sunset Reports
- Testify at Public Hearings
- Taking Part in the Legislative Process

DWC Sunset Resource Page

- DWC Self Evaluation Report
- Sunset Advisory Commission Feedback Form
- Sunset Staff Contact Information
- Comments requested by December 18
- <http://www.tdi.state.tx.us/wc/dwc/sunset.html>

Highlights of DWC Self-Evaluation

- Allow DWC to review SOAH appeals and issue final orders and appeal SOAH decisions in medical fee or medical necessity disputes
- Require WC carriers to pay IRO fees for non-network retro reviews
- Require political subdivisions to comply with certain network regulations
- Provide more time for preauthorization reviews

Highlights of Self Evaluation of Office of Injured Employee Counsel

- Office of Injured Employee Counsel
- Assists injured employees, represents injured employee interests in rulemaking process
- Recommendations for policy changes include:
 - Allowing OIEC to testify for/against legislation
 - OIEC recommends legislation to provide a WC carrier waives the right to raise compensability or relatedness unless it is raised in the initial denial and if raised in preauth the issue must be addressed in same hearing as medical necessity issue
 - Parties to medical dispute resolution should be able to verify that the Independent Review Organization has a Texas license and the current process for seeking clarification of an Independent Review Organization decision should be changed to allow an IRO to modify its decision based on the issues being clarified
 - Adopted treatment guidelines are replacing health care provider's judgment regarding necessary medical care and the Labor Code should be amended to remove the requirement that guidelines be presumed more correct than "generally accepted standards of medical practice"

The Sunset Process

Q & A
