

SUBJECT: Requiring employer to pay for hepatitis testing of public safety personnel

COMMITTEE: Public Health — favorable, without amendment

VOTE: 5 ayes — Laubenberg, Truitt, Dawson, Taylor, Zedler
0 nays
4 absent — Capelo, Coleman, McReynolds, Naishtat

SENATE VOTE: On final passage, April 16 — 31-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Health and Safety Code, sec. 81.095 requires that emergency medical services personnel, firefighters, peace officers, and first responders who assist at an emergency scene or during transport to a hospital and are exposed to blood or other body fluids be tested for hepatitis B and hepatitis C by the hospital that receives the injured person. The worker or the organization that employs the worker or for which the worker volunteers must pay for the test.

DIGEST: SB 401 would make an organization employing emergency medical services personnel, firefighters, peace officers, and first responders, or an organization for which these workers volunteered, responsible for paying for required testing for hepatitis B or C following exposure to body fluids during an emergency. The public safety personnel themselves no longer could be held responsible for paying for the tests.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

SUPPORTERS SAY: SB 401 is necessary to ensure that Texas' public safety personnel are not forced to pay for hepatitis B or C tests that may be required because of their public service. Current law allows either the public safety personnel or the organizations with which they are associated to be held responsible for paying for the test. Some organizations have taken advantage of the law by refusing

to pay for the first responders' tests. This means that emergency personnel — who are helping society by responding to emergencies — unfairly must dig into their own pockets to pay for a state-mandated test.

When the 77th Legislature in 2001 enacted the testing requirement for public safety personnel in SB 1006 by Van de Putte, the intent was that organizations employing these personnel would pay for the hepatitis tests. It is only fair that these organizations should have to pay for the tests as a part of the coverage and protection they give their workers. The tests are needed only when specific events occur and are not conducted for the majority of emergencies. The testing costs could be absorbed easily by organizations and should be considered a necessary personnel expense. SB 401 would not affect the expenses of the many entities that already pay for these tests.

**OPPONENTS
SAY:**

It would be better to leave the law flexible so that either the emergency personnel or the organizations could be held responsible for paying for the tests. This could be especially important for volunteer organizations or public safety agencies in small or rural areas that might not have the resources to pay for the tests. Volunteers know what expenses they may have to bear when they volunteer to help an organization, and they should be prepared to bear the cost of hepatitis tests.