

SUBJECT: Requiring TDEM to conduct wellness checks on medically fragile persons

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — Klick, Guerra, Allison, Campos, Collier, Jetton, Oliverson,
Price, Smith, Zwiener

0 nays

1 absent — Coleman

WITNESSES: For — (*Registered, but did not testify:* Amanda Fredriksen, AARP; Demetrius McDaniel, Alzheimer's Association; Susan Murphree, Disability Rights Texas; Aaron Gregg, Fresenius Medical Care; David Reynolds, Texas Chapter of the American College of Physicians; Dan Finch, Texas Medical Association; Clayton Travis, Texas Pediatric Society; and 10 individuals)

Against — None

BACKGROUND: During Winter Storm Uri, many medically fragile individuals suffered hardship and even death as a result of prolonged power outages and lack of access to resources and continuous care. Suggestions have been made to require the Texas Division of Emergency Management to conduct wellness checks on vulnerable individuals who need continuity of care and access to electrically powered medical devices to survive.

DIGEST: CSHB 3711 would require the Texas Division of Emergency Management (TDEM), in collaboration with specified entities, to conduct a wellness check on medically fragile individuals during a declared state of disaster.

Definitions. The bill would define "medically fragile individual" as any individual who, during a time of disaster or emergency, would be particularly vulnerable because of a medical condition, including individuals:

- with Alzheimer's disease and other related disorders;
- receiving dialysis services;
- who were diagnosed with a debilitating chronic illness;
- who were dependent on oxygen treatment; and
- who had medical conditions that required 24-hour supervision from a skilled nurse.

The bill would define "emergency assistance registry" as the registry maintained by TDEM that provided local emergency planners and emergency responders with additional information on the needs of certain individuals in their communities.

Emergency assistance registry. The bill would require TDEM to develop a process for designating individuals who were included in the emergency assistance registry as medically fragile.

TDEM would have to authorize the following persons to access the registry to assist medically fragile individuals during specified events:

- the Health and Human Services Commission (HHSC);
- the Department of State Health Services (DSHS);
- first responders as defined in the bill;
- local governments; and
- local health departments.

Events. TDEM, in collaboration with HHSC and DSHS, would have to adopt rules regarding which events required a wellness check, including an extended power, water, or gas outage, a declared state of disaster, or any other event considered necessary by the commission, the department, or the division.

Wellness checks. The bill would require TDEM, in collaboration with authorized persons and applicable municipalities and counties, to ensure that a wellness check was conducted on each medically fragile individual listed in the emergency assistance registry and located in an area

experiencing an applicable event. The wellness check would have to ensure the individual had continuity of care and was able to continue using electrically powered medical equipment, if applicable.

A wellness check on a medically fragile individual would have to meet specified minimum standards and procedures and include:

- an automated phone call and text to the individual;
- a personalized phone call to the individual; and
- if the individual was unresponsive to the personalized phone call, an in-person wellness check.

The wellness check would have to be conducted as soon as practicable but no later than 24 hours after an applicable event occurred.

Rules. As soon as practicable after the bill's effective date, TDEM, in collaboration with HHSC and DSHS, would have to adopt rules to implement the bill's provisions.

The bill would take effect September 1, 2021.