

## **BILL ANALYSIS**

Senate Research Center

H.B. 2389  
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Health & Human Services  
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Engrossed

### **DIGEST**

Over the last few years, the Texas Department of Health (TDH) has upgraded its laboratory, assembling a team of knowledgeable, well-trained professionals. It is currently building a state-of-the-art laboratory facility which will provide the staff with the necessary infrastructure to offer a wide array of services. Providing these services to other states and federal agencies could generate considerable revenue for Texas. States have previously approached TDH about carrying out such assignments, but TDH has declined these offers due to a lack of statutory clarity regarding the laboratory's role. H.B. 2389 allows TDH to enter into contracts for the sale and provision of laboratory services, and authorizes the adoption of necessary rules for setting and collecting fees.

### **PURPOSE**

As proposed, H.B. 2389 provides for the sale of laboratory services to certain persons by the Texas Department of Health.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Department of Health in SECTION 1 (Section 12.020(d), Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 12B, Health and Safety Code, by adding Section 12.020, as follows:

Sec. 12.020. SALE OF LABORATORY SERVICES. Authorizes the Texas Department of Health (TDH) to enter into a contract for the sale and provision of laboratory services in accordance with this section. Authorizes TDH to enter into a contract with a federal, state, or local governmental entity or a freestanding public health clinic owned or controlled by a nonprofit organization. Provides that for purposes of Subsection (b)(1), a contract with a federal governmental entity does not include a contract relating to Medicare managed care services. Authorizes TDH, by rule, to establish charges for the sale of laboratory services. Authorizes TDH to enter into a contract with a party in or outside of this state. Defines "laboratory services."

SECTION 2. Amends Section 12.035, Health and Safety Code, by amending Subsection (a), and by adding Subsection (c), to require TDH to deposit all money collected for fees and charges collected under Sections 12.020(d) and 12.032(a) in the state treasury to the credit of the TDH public health services fee fund. Provides that the public health services fee fund is exempt from Section 403.095(b), Government Code.

SECTION 3. Emergency clause.  
Effective date: upon passage.