

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 99  
By: Carona  
Health Services  
2/17/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law prohibits a hospital from testing a patient without the patient's consent for hepatitis B or hepatitis C. A health care worker accidentally exposed to a patient's blood or other bodily fluids cannot perform a test for hepatitis B or hepatitis C without a patient's consent. This bill would authorize a hospital to perform a test for hepatitis B or hepatitis C without a patient's consent, in a case of accidental exposure of a health care worker to a patient's blood or body fluids, and require the hospital to notify the patient and health care worker of the test results.

### **PURPOSE**

As proposed, C.S.S.B. 99 protects health care workers who are accidentally exposed to a patient's blood or body fluids by authorizing the hospital in which the exposure incident occurred to test a patient for hepatitis B or hepatitis C without the patient's consent.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 81E, Health and Safety Code, by adding Section 81.095, as follows:

Sec. 81.095. TESTING FOR ACCIDENTAL EXPOSURE. Requires a licensed hospital, following a report of an incident of exposure to hepatitis B or C, to test a patient for hepatitis B or C without the patient's consent if a health care worker is accidentally exposed to the patient's blood or other body fluids. Requires the hospital to have a policy concerning the disclosure of the result of the testing as authorized or required by law. Requires the hospital to abide by all patient confidentiality standards as set out in Section 81.046.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 81.095, Health and Safety Code, to require the hospital, following a report of the exposure incident, to test the patient for hepatitis B or hepatitis C without the patient's specific consent to the test. Requires the hospital to have a policy concerning the disclosure of the result of the testing as authorized or required by law. Requires the hospital to abide by all patient confidentiality standards as set out in Section 81.046.