

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 162
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, persons who stop and render aid in an emergency situation cannot obtain information regarding possible exposure to a reportable disease while providing emergency care. However, emergency personnel, peace officers, and firefighters are currently informed by hospitals and local health authorities in such situations.

C.S.H.B. 162 allows hospitals or local health authorities to notify detention officers, county jailers, and other individuals that they may have contracted a reportable disease from an injured person. It also provides for certain testing procedures and reporting requirements for to a reportable disease in an incident involving a deceased person.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 81.048, Health and Safety Code) and in SECTION 3 (Section 81.0955, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 81.048, Health and Safety Code, to read as follows:

Sec. 81.048. NOTIFICATION OF EMERGENCY PERSONNEL, PEACE OFFICERS, DETENTION OFFICERS, COUNTY JAILERS, AND FIRE FIGHTERS.

SECTION 2. Amends Section 81.048, Health and Safety Code, by amending Subsections (b) and (c) and adding Subsection (g), as follows:

(b) Requires a notice of a positive test result for a reportable disease designated under Subsection (a) to be given to an emergency medical service personnel, peace officer, detention officer, county jailer, or fire fighter as provided by this section. Makes conforming changes.

(c) Makes a conforming change.

(g) Authorizes a hospital that gives notice of a possible exposure under Subsection (c) or a local health authority that receives notice of a possible exposure under Subsection (c) to give notice of the possible exposure to a person other than certain persons if the person demonstrates that the person was exposed to the reportable disease while providing emergency care. Requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement this subsection.

[While the statutory reference in this bill is to the Texas Department of Health, the following amendments affect the Department of State Health Services, as the successor agency to the Texas Department of Health.]

SECTION 3. Amends Subchapter E, Chapter 81, Health and Safety Code, by adding Section 81.0955, as follows:

Sec. 81.0955. TESTING FOR ACCIDENTAL EXPOSURE INVOLVING A DECEASED PERSON. (a) Provides that this section applies only to the accidental exposure to the blood or other body fluids of a person who dies at the scene of an emergency or during transport to the hospital involving certain emergency services personnel who render assistance at the scene of an emergency or during transport of a person to the hospital.

(b) Requires a hospital, or certain health services personnel on behalf of the person exposed, following a report of the exposure incident, to take reasonable steps to test the deceased person for communicable diseases. Requires the hospital, or certain health services personnel to provide the test result to the Texas Department of Health or to the local health authority responsible for following the procedures prescribed by Section 81.050(h) (Mandatory Testing of Persons Suspected of Exposing Certain Other Persons To Reportable Diseases, Including HIV Infection) to inform the person exposed and, if applicable the next of kin of the deceased person regarding the test results. Requires the hospital, or certain health services personnel, to follow applicable reporting requirements prescribed by Subchapter C (Reports and Reportable Diseases). Provides that this subsection does not impose a duty on a hospital, or certain health services related personnel, to provide any further testing, treatment, or services or to perform further procedures. Requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement this subsection.

(c) Provides that the organization that employs the exposed person or for which the exposed person works as a volunteer in connection with rendering the assistance is responsible for paying the costs of the test.

(d) Requires the funeral establishment, if the deceased person is delivered to a funeral establishment as defined in Section 651.001 (Definitions), Occupations Code, before a hospital, or certain health services personnel has tested the deceased person, to allow, if requested by the hospital, or certain health services personnel, access to the deceased person for testing under this section.

(e) Authorizes a test conducted under this section to be performed without the consent of the next of kin of the deceased person being tested.

(f) Requires a hospital, or certain health services personnel, that conducts a test under this section to comply with the confidentiality requirements of Section 81.046 (Confidentiality) except as specifically provided by this section.

SECTION 4. Effective date: September 1, 2005.