

BILL ANALYSIS

Senate Research Center
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H.B. 1671
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As the 2005 and 2008 hurricane seasons demonstrated, disasters make conducting everyday business difficult if not impossible. One case in point is the Texas Newborn Screening Program, which detects genetic disorders that may result in cognitive or physical disability or death, preventable through proper medical care and nutrition. For some infants, lack of early detection means precious time is lost in identifying the care and providing guidance to the parents.

Texas can address this issue with mutual aid agreements or contracts with other states. For example, Texas could assist Louisiana's newborn screening program during an emergency or, if the Texas lab loses functionality, the analysis of samples from Texas newborns could be conducted in other states. However, Texas law currently prohibits contracts for the sale of newborn screening services, essentially removing the incentive for other states to enter into a mutual agreement. The inability to enter into mutual aid agreements with other states leaves the Texas Newborn Screening Program vulnerable to an unforeseen event and may result in critical delays in screening that will adversely affect treatment for children.

H.B. 1671 authorizes the Department of State Health Services to enter into a mutual aid agreement to provide services to another state and to receive services from another state in the event of an unexpected interruption of service, including an interruption caused by a disaster. This bill includes provisions to address the confidentiality of the identity of the newborn child and the newborn child's family.

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

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 12, Health and Safety Code, by adding Section 12.01221, as follows:

Sec. 12.01221. MUTUAL AID AGREEMENT FOR NEWBORN SCREENING LABORATORY SERVICES. (a) Defines "newborn screening laboratory services" (services).

(b) Authorizes the Texas Department of Health, notwithstanding Section 12.0122 (Sale of Laboratory Services) or other law, to enter into a mutual aid agreement to provide services to another state and to receive services from another state in the event of an unexpected interruption of service, including an interruption caused by a disaster.

(c) Requires that each mutual aid agreement under Subsection (b) include provisions to address the confidentiality of the identity of the newborn child and the newborn child's family and to ensure the return of blood specimens and related records to the state that received the services.

SECTION 2. Effective date: September 1, 2009.