

BILL ANALYSIS

Senate Research Center
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H.B. 2055
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Neglected and emerging tropical diseases are surfacing in the United States and pose a significant threat to public health, as evidenced by the recent Ebola cases. Symptoms of these diseases can be debilitating and have chronic and adverse impacts on childhood development, pregnancy outcomes, and worker productivity. Informed observers note that regions with a warm tropical climate and significant populations living in poverty, such as the border regions of Texas, are particularly vulnerable to the spread of neglected tropical diseases, and estimates show that there may be as many as 250,000 cases of Chagas disease, commonly referred to as the kissing bug disease, in Texas today.

While these types of diseases are on the state's list of reportable diseases, the observers contend that they are not consistently tracked and that more research, data collection, and analysis are needed in order to assess the prevalence of these diseases in Texas. H.B. 2055 seeks to create a system to monitor the incidence, prevalence, and trends of neglected and emerging tropical diseases in Texas.

H.B. 2055 amends current law relating to the establishment of a sentinel surveillance program for emerging and neglected tropical diseases.

[**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

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Sections 100.005 and 100.006, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle D, Title 2, Health and Safety Code, by adding Chapter 100, as follows:

CHAPTER 100. EMERGING AND NEGLECTED TROPICAL DISEASES

Sec. 100.001. DEFINITIONS. Defines "emerging disease" "health facility," "local health unit," and "neglected tropical disease" in this chapter.

Sec. 100.002. CONFIDENTIALITY. (a) Provides that, except as specifically authorized by this chapter, reports, records, and information furnished to a Texas Department of Health (TDH) employee or to an authorized agent of TDH that relate to cases or suspected cases of a health condition are confidential and may be used only for the purposes of this chapter.

(b) Provides that reports, records, and information relating to cases or suspected cases of health conditions in the possession of TDH under this chapter are not public information under Chapter 552 (Public Information), Government Code,

and may not be released or made public on subpoena or otherwise except as provided by this chapter.

(c) Requires TDH to release medical, epidemiological, or toxicological information:

(1) to medical personnel, appropriate state agencies, health authorities, regional directors, and public officers of counties and municipalities as necessary to comply with this chapter and rules relating to the identification, monitoring, and referral of individuals infected with an emerging or neglected tropical disease; or

(2) to appropriate federal agencies, such as the Centers for Disease Control and Prevention of the United States Public Health Service.

(d) Authorizes TDH to release medical, epidemiological, or toxicological information for statistical purposes, if released in a manner that prevents the identification of any person.

Sec. 100.003. LIMITATION OF LIABILITY. Provides that a health professional, a health facility, or an administrator, officer, or employee of a health facility subject to this chapter is not civilly or criminally liable for divulging information required to be released under this chapter, except in a case of gross negligence or wilful misconduct.

Sec. 100.004. COOPERATION OF GOVERNMENTAL ENTITIES. Requires another state board, commission, agency, or governmental entity capable of assisting TDH in carrying out the intent of this chapter to cooperate with TDH and furnish expertise, services, and facilities to the program.

Sec. 100.005. SENTINEL SURVEILLANCE PROGRAM. (a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to establish in TDH a program to:

(1) identify by sentinel surveillance individuals infected with emerging or neglected tropical diseases;

(2) maintain a central database of laboratory-confirmed cases of emerging and neglected tropical diseases; and

(3) use the information in the database to investigate the incidence, prevalence, and trends of emerging and neglected tropical diseases.

(b) Requires the executive commissioner, in establishing the sentinel surveillance program for emerging and neglected tropical diseases, to consider:

(1) the location of health facilities that collect locally emerging and neglected tropical disease information; and

(2) the use, privacy, and security of existing data collected by health facilities.

(c) Requires the executive commissioner to adopt rules to govern the operation of the program and carry out the intent of this chapter, including rules that:

(1) specify a system for selecting the demographic areas in which TDH collects information; and

(2) identify the specific emerging and neglected tropical diseases that are included in the sentinel surveillance program and the manner in which

diseases will be added to the program as necessary to reflect changing conditions.

Sec. 100.006. DATA COLLECTION. (a) Authorizes the executive commissioner, to ensure an accurate source of data, to require a health facility or health professional to make available for review by TDH or by an authorized agent medical records or other information in the facility's or professional's custody or control that relates to an occurrence of an emerging or neglected tropical disease.

(b) Requires TDH to reimburse a health facility or health professional for the actual costs incurred by the facility or professional in making copies of medical records or other information available to TDH.

(c) Requires the executive commissioner by rule to prescribe the manner in which information is reported to TDH.

Sec. 100.007. DATABASE. (a) Authorizes information collected and analyzed by TDH or an authorized agent under this chapter to be placed in a central database to facilitate information sharing and provider education.

(b) Authorizes TDH to use the database to:

(1) design and evaluate measures to prevent the occurrence of emerging and neglected tropical diseases and other health conditions; and

(2) provide information and education to providers on the incidence of emerging and neglected tropical diseases.

Sec. 100.008. EDUCATIONAL AND INFORMATIONAL MATERIALS. Requires TDH to make available to health facilities and health professionals:

(1) educational and informational materials concerning emerging and neglected tropical diseases; and

(2) information on the importance of monitoring and surveilling emerging and neglected tropical diseases.

SECTION 2. Requires the executive commissioner, not later than November 1, 2015, to adopt rules as required by Section 100.005, Health and Safety Code, as added by this Act.

SECTION 3. Effective date: September 1, 2015.