

BILL ANALYSIS

Senate Research Center

S.B. 930
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Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As the COVID-19 pandemic struck nursing homes and other long-term care centers beginning in spring 2020, residents and their loved ones sought answers about whether these facilities were safe. Many nursing homes were not forthcoming with information about coronavirus outbreaks. Family members, advocates, persons with disabilities and the elderly, and journalists asked state and local government officials which Texas facilities had experienced COVID-19 outbreaks, but they ran into information roadblocks.

Numerous Texas Public Information Act requests to the Texas Health and Human Services Commission (HHSC) in spring and summer 2020 did not immediately produce information. Instead, HHSC sought to block the release of data, arguing to the Texas Attorney General's Office that state or federal medical privacy laws prevented revealing even the names and location of nursing homes and living centers with coronavirus outbreaks and statistical data for those locations. Even after some requestors clarified that they were not seeking individual health information—only the identity of facilities where the illness had been detected—the information was still withheld from the public.

In July 2020, the Texas Attorney General's Office ruled that HHSC must identify the facilities that had been impacted by COVID-19, and HHSC began posting the data on its website. Separate Attorney General rulings, however, allowed local health authorities to withhold such information from the public under Section 81.046 of the Texas Health and Safety Code.

S.B. 930 clarifies that, unless made confidential under other law, the name or location of a nursing home or similar facility in which residents have been diagnosed with a communicable disease and the number of residents diagnosed is not confidential and is subject to disclosure by state agencies or local health authorities under the Texas Public Information Act.

S.B. 930 amends current law relating to the disclosure of certain information regarding the occurrence of communicable diseases in residential facilities.

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 Section 81.046(b), Health and Safety Code, to provide that reports, records, and information relating to cases or suspected cases of diseases or health conditions are not public information under Chapter 552 (Public Information), Government Code, and are prohibited from being released or made public on subpoena or otherwise except as provided by certain sections, including Section 181.060. Makes nonsubstantive changes.

SECTION 2. Amends Subchapter B, Chapter 181, Health and Safety Code, by adding Section 181.060, as follows:

Sec. 181.060. INFORMATION REGARDING COMMUNICABLE DISEASES IN CERTAIN FACILITIES. (a) Defines "communicable disease," "facility," and "resident."

(b) Provides that protected health information in Chapter 181 (Medical Records Privacy) does not include information that identifies the name or location of a facility in which residents have been diagnosed with a communicable disease, or the number of residents who have been diagnosed with a communicable disease in a facility.

(c) Provides that the information described by Subsection (b), unless made confidential under other law, is not confidential and is subject to disclosure under Chapter 552, Government Code.

SECTION 3. Effective date: September 1, 2021.