

By: Paxton, et al.

S.B. No. 1484

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain Department of State Health Services
3 procurements for communicable disease data collection and
4 investigations.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 81.005, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 81.005. CONTRACTS. Subject to Section 81.0055, the
9 ~~[The]~~ department may enter into contracts or agreements with
10 persons as necessary to implement this chapter. The contracts or
11 agreements may provide for payment by the state for materials,
12 equipment, and services.

13 SECTION 2. Subchapter A, Chapter 81, Health and Safety
14 Code, is amended by adding Section 81.0055 to read as follows:

15 Sec. 81.0055. REQUIREMENTS FOR CERTAIN DATA COLLECTION
16 PROCUREMENTS. (a) This section applies only to a procurement or
17 the extension of an existing contract in which a private vendor
18 assists the department in case investigations and epidemiological
19 studies by collecting an individual's private or confidential data
20 protected under the Health Insurance Portability and
21 Accountability Act of 1996 (Pub. L. No. 104-191) through individual
22 contact tracing, including contact tracing conducted by a call
23 center.

24 (b) The department must submit a written request to the

1 Legislative Budget Board for approval of a procurement described by
2 Subsection (a) before requesting a bid, proposal, or comparable
3 solicitation for the proposed procurement. The department must
4 provide to board personnel and each member of the Legislative
5 Budget Board information on the proposed procurement, including:

6 (1) the purpose of the procurement;
7 (2) the need addressed by the procurement;
8 (3) a statement of any service to be performed under
9 the procurement;

10 (4) the proposed cost of the procurement;
11 (5) the data use and privacy agreement to which the
12 department and private vendor will adhere for the duration of the
13 investigation or study; and

14 (6) any other information required by the board.

15 (c) Not later than the seventh day after the date the
16 Legislative Budget Board receives the request and required
17 information from the department, board personnel shall:

18 (1) determine whether the proposed procurement
19 satisfies the minimum requirements established by this section; and

20 (2) issue written notice that the board approves the
21 request for the proposed procurement required under Subdivision
22 (1).

23 (d) The legislative budget board shall include the written
24 notice in Subsection (c)(2) in the contract database maintained by
25 the legislative budget board.

26 (e) A vendor selected for a contract under this section:

27 (1) is subject to Chapter 181, Health and Safety Code,

1 including being subject to enforcement action;

2 (2) shall not provide or sell access to any protected
3 health information data collected; and

4 (3) shall destroy all protected health information
5 collected upon the expiration of the contract.

6 SECTION 3. (a) As soon as practical after the effective
7 date of this Act, the Legislative Budget Board shall adopt any rules
8 and procedures necessary to implement the changes in law made by
9 this Act.

10 (b) Not later than December 1, 2022, the state auditor shall
11 audit each contract the Department of State Health Services entered
12 into for the conduct of individual contact tracing during the
13 disaster declared by the governor on March 13, 2020, or during an
14 extension of that declared disaster.

15 SECTION 4. (a) The legislature finds that any state
16 contract executed during, or during an extension of, the disaster
17 declared by the governor on March 13, 2020, by the Department of
18 State Health Services authorizing a person or entity to perform
19 individual contact tracing is no longer necessary to address public
20 health concerns. It is the intent of the legislature that the
21 department cancel any contract described by this subsection.

22 (b) The Department of State Health Services may not use any
23 money appropriated by this state to the department for state fiscal
24 years 2022 and 2023 to pay for a contract described by Subsection
25 (a) of this section.

26 SECTION 5. This Act takes effect September 1, 2021.