

BILL ANALYSIS

H.B. 2536
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Department of Health (TDH) has authority to operate hospitals for tuberculosis (TB) care, including involuntary TB treatment. Patient care and treatment at TDH hospitals is limited to Texas residents. Current law, does not allow for development of interstate agreements with other states where the infected individual resides so that state may bear TB treatment costs. However, jurisdictional borders do not inhibit spread of communicable diseases such as TB, and under certain circumstances, it may be good public health practice for the State of Texas to offer TB treatment to residents of neighboring states because TB is highly contagious and easily transmitted to others. In addition, it is not always possible to return nonresidents to their state of residence for TB treatment. Legislative authority is needed to authorize development of interstate agreements for TB treatment of nonresidents at the Texas Center for Infectious Disease and to render TB care, including involuntary TB care to residents of other states, as facility bed space allows, with priority for care of Texas residents. Legislative authority also is needed for the State of Texas to recognize and enforce an order entered by a non-Texas court for the involuntary civil commitment for communicable disease treatment. House Bill 2536 would provide the needed authority to admit certain nonresident patients to state chest hospitals.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 2536 amends the Health and Safety Code to authorizes a person who is not a resident of this state and who has tuberculosis to be admitted to a state chest hospital. The bill authorizes a certificate for application to a state chest hospital for a non-state resident to be issued by a physician who holds a license to practice medicine in the state of the residence of the applicant. The bill expands the list of persons who may be admitted to as state chest hospital to include a nonresident, specifying that a nonresident public patient is a person who is admitted in accordance with an interstate agreement.

HB 2536 authorizes the Texas Department of Health (department) to enter into an agreement with an agency of another state responsible for the care of residents of that state who have tuberculosis, specifying the conditions under which residents of the other state may be admitted and that the other state is responsible for payment of all costs. Return of nonresident patients is now governed by the agreements entered into under this section.

HB 2536 provides that the attorney general, in the case of a person who is not a resident of Texas and who may be admitted to a state chest hospital and at the request of the department, must file a copy of an order issued by a court of another state that authorizes the commitment of the person to a health care facility for inpatient care in the manner provided by Chapter 35, Civil Practice and Remedies Code, for the enforcement of foreign judgements. The bill provides requirements for the filing of an application in the district court in the county in which the state chest hospital to which the person will be admitted is located, enforcement of a filed foreign court order, and subjects a foreign court order to the contractual agreement with the foreign state.

EFFECTIVE DATE

September 1, 2003