

By: McCall

H.B. No. 162

A BILL TO BE ENTITLED

AN ACT

relating to notifying certain providers of emergency care of possible exposure to certain reportable diseases.

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

SECTION 1. The heading to Section 81.048, Health and Safety Code, is amended to read as follows:

Sec. 81.048. NOTIFICATION OF EMERGENCY PERSONNEL, PEACE OFFICERS, DETENTION OFFICERS, COUNTY JAILERS, AND FIRE FIGHTERS.

SECTION 2. Section 81.048, Health and Safety Code, is amended by amending Subsections (b) and (c) and adding Subsection (g) to read as follows:

(b) Notice of a positive test result for a reportable disease designated under Subsection (a) shall be given to an emergency medical service personnel, peace officer, detention officer, county jailer, or fire fighter as provided by this section if:

(1) the emergency medical service personnel, peace officer, detention officer, county jailer, or fire fighter delivered a person to a hospital as defined by Section 74.001, Civil Practice and Remedies Code [~~1.03, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes)~~];

(2) the hospital has knowledge that the person has a reportable disease and has medical reason to believe that the

1 person had the disease when the person was admitted to the hospital;  
2 and

3 (3) the emergency medical service personnel, peace  
4 officer, detention officer, county jailer, or fire fighter was  
5 exposed to the reportable disease during the course of duty.

6 (c) Notice of the possible exposure shall be given:

7 (1) by the hospital to the local health authority;

8 (2) by the local health authority to the director of  
9 the appropriate department of the entity that employs the emergency  
10 medical service personnel, peace officer, detention officer,  
11 county jailer, or fire fighter; and

12 (3) by the director to the employee affected.

13 (g) A hospital that gives notice of a possible exposure  
14 under Subsection (c) or a local health authority that receives  
15 notice of a possible exposure under Subsection (c) may give notice  
16 of the possible exposure to a person other than emergency medical  
17 personnel, a peace officer, a detention officer, a county jailer,  
18 or a fire fighter if the person demonstrates that the person was  
19 exposed to the reportable disease while providing emergency care.  
20 The executive commissioner of the Health and Human Services  
21 Commission shall adopt rules to implement this subsection.

22 SECTION 3. This Act takes effect September 1, 2005.