

AN ACT

relating to certain procedures related to the possible exposure to certain 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. Subchapter E, Chapter 81, Health and Safety
23 Code, is amended by adding Section 81.0955 to read as follows:

24 Sec. 81.0955. TESTING FOR ACCIDENTAL EXPOSURE INVOLVING A
25 DECEASED PERSON. (a) This section applies only to the accidental
26 exposure to the blood or other body fluids of a person who dies at
27 the scene of an emergency or during transport to the hospital

1 involving certified emergency medical services personnel, a
2 firefighter, a peace officer, or a first responder who renders
3 assistance at the scene of an emergency or during transport of a
4 person to the hospital.

5 (b) A hospital, certified emergency medical services
6 personnel, or a physician on behalf of the person exposed,
7 following a report of the exposure incident, shall take reasonable
8 steps to test the deceased person for communicable diseases. The
9 hospital, certified emergency medical services personnel, or
10 physician shall provide the test results to the department or to the
11 local health authority responsible for following the procedures
12 prescribed by Section 81.050(h) to inform the person exposed and,
13 if applicable, the next of kin of the deceased person regarding the
14 test results. The hospital, certified emergency medical services
15 personnel, or physician shall follow applicable reporting
16 requirements prescribed by Subchapter C. This subsection does not
17 impose a duty on a hospital, certified emergency medical services
18 personnel, or a physician to provide any further testing,
19 treatment, or services or to perform further procedures. The
20 executive commissioner of the Health and Human Services Commission
21 shall adopt rules to implement this subsection.

22 (c) The organization that employs the exposed person or for
23 which the exposed person works as a volunteer in connection with
24 rendering the assistance is responsible for paying the costs of the
25 test.

26 (d) If the deceased person is delivered to a funeral
27 establishment as defined in Section 651.001, Occupations Code,

1 before a hospital, certified emergency medical services personnel,
2 or a physician has tested the deceased person, the funeral
3 establishment shall allow, if requested by the hospital, certified
4 emergency medical services personnel, or a physician, access to the
5 deceased person for testing under this section.

6 (e) A test conducted under this section may be performed
7 without the consent of the next of kin of the deceased person being
8 tested.

9 (f) A hospital, certified emergency medical services
10 personnel, or a physician that conducts a test under this section
11 must comply with the confidentiality requirements of Section 81.046
12 except as specifically provided by this section.

13 SECTION 4. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 162 was passed by the House on March 17, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 162 on May 16, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 162 was passed by the Senate, with amendments, on May 12, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor