

By: McCall (Senate Sponsor - Carona) H.B. No. 162  
(In the Senate - Received from the House March 21, 2005;  
March 30, 2005, read first time and referred to Committee on Health  
and Human Services; May 5, 2005, reported adversely, with  
favorable Committee Substitute by the following vote: Yeas 8, Nays  
0; May 5, 2005, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 162 By: Carona

A BILL TO BE ENTITLED  
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  
person had the disease when the person was admitted to the hospital;  
and

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

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

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

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

(3) by the director to the employee affected.

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

SECTION 3. Subchapter E, Chapter 81, Health and Safety  
Code, is amended by adding Section 81.0955 to read as follows:

Sec. 81.0955. TESTING FOR ACCIDENTAL EXPOSURE INVOLVING A  
DECEASED PERSON. (a) This section applies only to the accidental  
exposure to the blood or other body fluids of a person who dies at  
the scene of an emergency or during transport to the hospital  
involving certified emergency medical services personnel, a  
firefighter, a peace officer, or a first responder who renders  
assistance at the scene of an emergency or during transport of a  
person to the hospital.

2-1       (b) A hospital, certified emergency medical services  
2-2 personnel, or a physician on behalf of the person exposed,  
2-3 following a report of the exposure incident, shall take reasonable  
2-4 steps to test the deceased person for communicable diseases. The  
2-5 hospital, certified emergency medical services personnel, or  
2-6 physician shall provide the test results to the department or to the  
2-7 local health authority responsible for following the procedures  
2-8 prescribed by Section 81.050(h) to inform the person exposed and,  
2-9 if applicable, the next of kin of the deceased person regarding the  
2-10 test results. The hospital, certified emergency medical services  
2-11 personnel, or physician shall follow applicable reporting  
2-12 requirements prescribed by Subchapter C. This subsection does not  
2-13 impose a duty on a hospital, certified emergency medical services  
2-14 personnel, or a physician to provide any further testing,  
2-15 treatment, or services or to perform further procedures. The  
2-16 executive commissioner of the Health and Human Services Commission  
2-17 shall adopt rules to implement this subsection.

2-18       (c) The organization that employs the exposed person or for  
2-19 which the exposed person works as a volunteer in connection with  
2-20 rendering the assistance is responsible for paying the costs of the  
2-21 test.

2-22       (d) If the deceased person is delivered to a funeral  
2-23 establishment as defined in Section 651.001, Occupations Code,  
2-24 before a hospital, certified emergency medical services personnel,  
2-25 or a physician has tested the deceased person, the funeral  
2-26 establishment shall allow, if requested by the hospital, certified  
2-27 emergency medical services personnel, or a physician, access to the  
2-28 deceased person for testing under this section.

2-29       (e) A test conducted under this section may be performed  
2-30 without the consent of the next of kin of the deceased person being  
2-31 tested.

2-32       (f) A hospital, certified emergency medical services  
2-33 personnel, or a physician that conducts a test under this section  
2-34 must comply with the confidentiality requirements of Section 81.046  
2-35 except as specifically provided by this section.

2-36       SECTION 4. This Act takes effect September 1, 2005.

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