

AN ACT

relating to establishing a sentinel surveillance program for respiratory syncytial virus.

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

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 96 to read as follows:

CHAPTER 96. RESPIRATORY SYNCYTIAL VIRUS

Sec. 96.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of State Health Services.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Health facility" includes:

(A) a general or special hospital licensed by the department under Chapter 241;

(B) a physician-owned or physician-operated clinic;

(C) a publicly or privately funded medical school;

(D) a state hospital or state school maintained and managed by the Department of State Health Services or the Department of Aging and Disability Services;

(E) a public health clinic conducted by a local health unit, health department, or public health district organized

1 and recognized under Chapter 121; and

2 (F) another facility specified by a rule adopted  
3 by the executive commissioner.

4 (4) "Local health unit" has the meaning assigned by  
5 Section 121.004.

6 (5) "RSV" means respiratory syncytial virus.

7 Sec. 96.002. CONFIDENTIALITY. (a) Except as specifically  
8 authorized by this chapter, reports, records, and information  
9 furnished to a department employee or to an authorized agent of the  
10 department that relate to cases or suspected cases of a health  
11 condition are confidential and may be used only for the purposes of  
12 this chapter.

13 (b) Reports, records, and information relating to cases or  
14 suspected cases of health conditions are not public information  
15 under Chapter 552, Government Code, and may not be released or made  
16 public on subpoena or otherwise except as provided by this chapter.

17 (c) The department may release medical, epidemiological, or  
18 toxicological information:

19 (1) for statistical purposes, if released in a manner  
20 that prevents the identification of any person;

21 (2) to medical personnel, appropriate state agencies,  
22 health authorities, regional directors, and public officers of  
23 counties and municipalities as necessary to comply with this  
24 chapter and rules relating to the identification, monitoring, and  
25 referral of children with RSV; or

26 (3) to appropriate federal agencies, such as the  
27 Centers for Disease Control and Prevention of the United States

1 Public Health Service.

2 Sec. 96.003. LIMITATION OF LIABILITY. A health  
3 professional, a health facility, or an administrator, officer, or  
4 employee of a health facility subject to this chapter is not civilly  
5 or criminally liable for divulging information required to be  
6 released under this chapter, except in a case of gross negligence or  
7 wilful misconduct.

8 Sec. 96.004. COOPERATION OF GOVERNMENTAL ENTITIES. Another  
9 state board, commission, agency, or governmental entity capable of  
10 assisting the department in carrying out the intent of this chapter  
11 shall cooperate with the department and furnish expertise,  
12 services, and facilities to the sentinel surveillance program.

13 Sec. 96.005. SENTINEL SURVEILLANCE PROGRAM. (a) The  
14 executive commissioner shall establish in the department a program  
15 to:

16 (1) identify by sentinel surveillance RSV infection in  
17 children; and

18 (2) maintain a central database of  
19 laboratory-confirmed cases of RSV that can be used to investigate  
20 the incidence, prevalence, and trends of RSV.

21 (b) In establishing the sentinel surveillance program for  
22 RSV, the executive commissioner shall consider:

23 (1) the number and geographic distribution of children  
24 in the state;

25 (2) the location of health facilities that collect RSV  
26 information locally; and

27 (3) the use of existing data collected by health

1 facilities.

2 (c) The executive commissioner shall adopt rules to govern  
3 the operation of the program and carry out the intent of this  
4 chapter, including rules that specify a system for selecting the  
5 demographic areas in which the department collects information.

6 Sec. 96.006. DATA COLLECTION. (a) To ensure an accurate  
7 source of data, the executive commissioner may require a health  
8 facility or health professional to make available for review by the  
9 department or by an authorized agent medical records or other  
10 information that is in the facility's or professional's custody or  
11 control and that relates to an occurrence of RSV.

12 (b) The executive commissioner by rule shall prescribe the  
13 manner in which data are reported to the department.

14 Sec. 96.007. DATABASE. (a) Information collected and  
15 analyzed by the department or an authorized agent under this  
16 chapter may be placed in a central database to facilitate  
17 information sharing and provider education.

18 (b) The department may use the database to:

19 (1) design and evaluate measures to prevent the  
20 occurrence of RSV and other health conditions; and

21 (2) provide information and education to providers on  
22 the incidence of RSV infection.

23 SECTION 2. Not later than November 1, 2005, the executive  
24 commissioner of the Health and Human Services Commission shall  
25 adopt rules as required by Section 96.005, Health and Safety Code,  
26 as added by this Act.

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1677 was passed by the House on April 21, 2005, by the following vote: Yeas 138, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1677 was passed by the Senate on May 10, 2005, by the following vote: Yeas 24, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor