

By: Strama

H.B. No. 3272

A BILL TO BE ENTITLED

AN ACT

1
2 relating to testing deceased persons for communicable diseases
3 after an accidental exposure of certain persons.

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

5 SECTION 1. Subchapter E, Chapter 81, Health and Safety
6 Code, is amended by adding Section 81.0955 to read as follows:

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

15 (b) A hospital, certified emergency medical services
16 personnel, or a physician on behalf of the person exposed,
17 following a report of the exposure incident, shall take reasonable
18 steps to test the deceased person for communicable diseases. The
19 hospital, certified emergency medical services personnel, or
20 physician shall provide the test results to the department or to the
21 local health authority responsible for following the procedures
22 prescribed by Section 81.050(h) to inform the person exposed and,
23 if applicable, the next of kin of the deceased person regarding the
24 test results. The hospital, certified emergency medical services

1 personnel, or physician shall follow applicable reporting
2 requirements prescribed by Subchapter C. This subsection does not
3 impose a duty on a hospital, certified emergency medical services
4 personnel, or a physician to provide any further testing,
5 treatment, or services or to perform further procedures.

6 (c) The organization that employs the exposed person or for
7 which the exposed person works as a volunteer in connection with
8 rendering the assistance is responsible for paying the costs of the
9 test.

10 (d) If the deceased person is delivered to a funeral
11 establishment as defined in Section 651.001, Occupations Code,
12 before a hospital, certified emergency medical services personnel,
13 or a physician has tested the deceased person, the funeral
14 establishment shall allow the hospital, certified emergency
15 medical services personnel, or physician to access the deceased
16 person for testing under this subsection.

17 (e) A test conducted under this section may be performed
18 without the specific consent of the next of kin of the deceased
19 person being tested.

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

24 SECTION 2. This Act takes effect September 1, 2005.