

BILL ANALYSIS

C.S.H.B. 2383
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

When thousands of evacuees from Louisiana came to Texas following Hurricanes Katrina and Rita, Louisiana was able to share evacuee immunization records with the Department of State Health Services (DSHS) and local health departments, eliminating the need for unnecessary immunizations and protecting the state's public health system. Currently, Texas has no provision authorizing the exchange of immunization registry data, although it is permitted under federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) guidelines. Avoiding duplicative immunizations for Texans who are forced to evacuate or relocate to other states during disasters would make the transition easier.

C.S.H.B. 2383 authorizes DSHS to exchange immunization records stored in ImmTrac, the state's immunization registry, with another state's health authority and local health departments in another state during disasters or emergencies involving evacuations or relocations and clarifies procedures for the receipt of such information from other states.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 1, 2, and 5 of this bill.

ANALYSIS

C.S.H.B. 2383 amends the Health and Safety Code to authorize the Department of State Health Services, if the department determines that residents of Texas have evacuated or relocated to another state in response to a disaster, to release registry data, except data for a person who receives an immunization, antiviral, and other medication administered in preparation for a disaster or emergency, to the appropriate health authority of that state or to local health authorities in that state. The bill defines "disaster."

C.S.H.B. 2383 authorizes the department to receive immunization information from a health authority of another state or from a local health authority in another state if the department determines that residents of that state have evacuated or relocated to Texas in response to a disaster. The bill requires the department to include information received in the registry and specifies that the department is not required to obtain written consent for the inclusion of that information. The bill specifies that such information is confidential and prohibits the information from being released except as authorized by the bill's provisions.

C.S.H.B. 2383 requires the executive commissioner of the Health and Human Services Commission, by rule, to determine the period during which the information received from another state must remain in the immunization registry following the end of the disaster. The bill requires the department to remove the immunization records from the registry on the expiration of the period determined by the executive commissioner, unless an individual or, if a child, the child's parent, managing conservator, or guardian consents in writing to continued inclusion of

the individuals' or child's information in the registry. The bill requires the department to remove the information from the registry on written request of an individual or, if a child, the child's parent, managing conservator, or guardian. The bill requires the executive commissioner to make every effort to enter into a memorandum of agreement with each state to which residents of Texas are likely to evacuate in a disaster on the release and use of registry information to the appropriate health authority or local health authority of that state, including the length of time the information may be retained by that state, and the receipt and use of information submitted by the health authority or local health authority of that state for inclusion in the registry. The bill makes conforming changes.

C.S.H.B. 2383 makes it a Class A misdemeanor offense for a person to fail to remove immunization information as required by the bill's provisions relating to registry information received from another state in response to a disaster or emergency.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2383 differs from the original by adding the requirement that the executive commissioner of the Health and Human Services Commission make every effort to enter into a memorandum of agreement with each state to which residents of Texas are likely to evacuate in a disaster on the release and use and receipt and use of registry information.