

## **BILL ANALYSIS**

S.B. 347  
By: Nelson  
Public Health  
Committee Report (Unamended)

### **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, which eliminated the need for unnecessary immunizations and helped protect the state's public health system. Current law has no provision that allows for the exchange of immunization registry data, although it is permitted under federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) guidelines. There is a need to avoid duplicative immunizations and ease transition efforts for Texans who are forced to evacuate or relocate to other states during disasters.

S.B. 347 authorizes DSHS to exchange immunization records stored in ImmTrac, the state's immunization registry, with other state and local health departments during disasters or emergencies involving evacuations or relocations.

### **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 2 and 5 and to the Department of State Health Services in SECTION 1 of this bill.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practicable, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

S.B. 347 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 immunization 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."

S.B. 347 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.

S.B. 347 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, by rule, to develop guidelines for the release of registry information under provisions of the bill and 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.

S.B. 347 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.