

## BILL ANALYSIS

Senate Research Center

S.B. 1171  
By: Nichols  
Health & Human Services  
9/15/2009  
Enrolled

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, local health officials are required to report any information about cases and suspected cases of communicable diseases to the Department of State Health Services (DSHS), but DSHS is restricted from sharing such data with its local counterparts.

S.B. 1171 authorizes the sharing of certain health-related reports, records, and information regarding communicable diseases or health conditions among public health districts, local health departments, and DSHS.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 81.046, Health and Safety Code, by amending Subsections (a), (c), and (f), and adding Subsection (g), as follows:

- (a) Provides that reports, records, and information received from any source, including from a federal agency or from another state, furnished to a public health district, a health authority, a local health department, or the Texas Department of Health (TDH) that relate to cases or suspected cases of diseases or health conditions are confidential and authorized to be used only for the purposes of this chapter.
  
- (c) Authorizes medical or epidemiological information to be released for certain purposes under certain conditions and to certain persons including to medical personnel treating the individual, appropriate state agencies in this state or another state, a health authority or local health department in this state or another state, or federal, county, or, rather than and, district courts to comply with this chapter and related rules relating to the control and treatment of communicable diseases and health conditions or under another state or federal law that expressly authorizes the disclosure of this information; or to appropriate federal agencies, such as the Centers for Disease Control and Prevention of the United States Public Health Service, but requires that the information be limited to the name, address, sex, race, and occupation of the patient, the date of disease onset, the probable source of infection, and other requested information relating to the case or suspected case of a communicable disease or health condition.
  
- (f) Authorizes that only the minimum necessary information be released under this subsection, as determined by the health authority, the local health department, or TDH.
  
- (g) Authorizes a judge of a county or district court to issue a protective order or take other action to limit disclosure of medical epidemiological information obtained under this section before that information is entered into evidence or otherwise disclosed in a court proceeding.

SECTION 2. Amends Section 81.103, Health and Safety Code, by amending Subsection (b) and adding Subsection (k), as follows:

(b) Authorizes that a test result be released to a county or district court to comply with this chapter or rules relating to the control and treatment of communicable diseases and health conditions. Makes conforming and nonsubstantive changes.

(k) Authorizes a judge of a county or district court to issue a protective order or take other action to limit disclosure of a test result obtained under this section before that information is entered into evidence or otherwise released in a court proceeding.

SECTION 3. Effective date: upon passage or September 1, 2009.