

BILL ANALYSIS

S.B. 1171
By: Nichols
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1171 amends the Health and Safety Code to specify that reports, records, and information received from any source, including from a federal agency or from another state, furnished to a public health district or a local health department, in addition to a health authority or the Department of State Health Services (DSHS), that relate to cases or suspected cases of diseases or health conditions are confidential and are authorized to be used only for specified reports of such diseases. The bill clarifies that medical or epidemiological information is authorized to be released to medical personnel treating the individual, appropriate state agencies in Texas or another state, a health authority or local health department in Texas or another state, or federal, county, or district courts to comply with provisions related to communicable diseases 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. The bill adds the local health department with the health authority and DSHS as the entities that determine the minimum necessary information authorized to be released from reports, records, and information relating to cases or suspected cases of diseases or health conditions during a public health disaster to law enforcement personnel solely for the purpose of protecting the health or life of the person identified in the report, record, or information. The bill authorizes a judge of a county or district court to issue a protective order or take other action to limit disclosure of medical or epidemiological information obtained under these provisions before that information is entered into evidence or otherwise disclosed in a court proceeding.

S.B. 1171 authorizes a test result for AIDS and related disorders to be released to a county or district court to comply with provisions governing communicable diseases or rules relating to the control and treatment of communicable diseases and health conditions. The bill 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 before that information is entered into evidence or otherwise released in a court proceeding.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.