

By: Pickett

H.B. No. 1093

Substitute the following for H.B. No. 1093:

By: Frost

C.S.H.B. No. 1093

A BILL TO BE ENTITLED

1

AN ACT

2 relating to oversight of regional poison control centers and the  
3 poison control network.

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

5 SECTION 1. Section 771.031(b), Health and Safety Code, is  
6 amended to read as follows:

7 (b) The following individuals serve as nonvoting ex officio  
8 members:

9 (1) the executive director of the Public Utility  
10 Commission of Texas, or an individual designated by the executive  
11 director;

12 (2) the executive director of the Department of  
13 Information Resources, or an individual designated by the executive  
14 director; and

15 (3) the executive commissioner of the Health and Human  
16 Services Commission [~~public health~~], or an individual [~~who has~~  
17 ~~responsibility for the poison control network~~] designated by the  
18 executive commissioner.

19 SECTION 2. Section 771.051(a), Health and Safety Code, is  
20 amended to read as follows:

21 (a) The commission is the state's authority on emergency  
22 communications. The commission shall:

23 (1) administer the implementation of statewide 9-1-1  
24 service and the [~~telecommunications requirements for~~] poison

1 control network, including poison control centers under Chapter  
2 777;

3 (2) develop minimum performance standards for  
4 equipment and operation of 9-1-1 service to be followed in  
5 developing regional plans under Section 771.055, including  
6 requirements that the plans provide for:

7 (A) automatic number identification by which the  
8 telephone number of the caller is automatically identified at the  
9 public safety answering point receiving the call; and

10 (B) other features the commission considers  
11 appropriate;

12 (3) examine and approve or disapprove regional plans  
13 as provided by Section 771.056;

14 (4) recommend minimum training standards, assist in  
15 training, and provide assistance in the establishment and operation  
16 of 9-1-1 service;

17 (5) allocate money to prepare and operate regional  
18 plans as provided by Section 771.056;

19 (6) develop and provide public education materials and  
20 training;

21 (7) plan, implement, operate, and maintain poison  
22 control center databases and assist in planning, supporting, and  
23 facilitating 9-1-1 databases, as needed;

24 (8) provide grants or contracts for services that  
25 enhance the effectiveness of 9-1-1 service;

26 (9) coordinate emergency communications services and  
27 providers;

1           (10) make reasonable efforts to gain voluntary  
2 cooperation in the commission's activities of emergency  
3 communications authorities and providers outside the commission's  
4 jurisdiction, including:

5                   (A) making joint communications to state and  
6 federal regulators; and

7                   (B) arranging cooperative purchases of equipment  
8 or services; and

9           (11) accept, receive, and deposit in its account in  
10 the general revenue fund gifts, grants, and royalties from public  
11 and private entities. Gifts, grants, and royalties may be used for  
12 the purposes of the commission.

13           SECTION 3. Section 771.072(e), Health and Safety Code, is  
14 amended to read as follows:

15           (e) From the revenue received from the surcharge imposed by  
16 this section, the amount derived from the application of the  
17 surcharge at a rate of not more than .8 percent shall be  
18 periodically allocated [~~to the Texas Department of Health~~] to fund  
19 grants awarded under Section 777.009 and other activities related  
20 to the poison control centers as required by Chapter 777.

21           SECTION 4. Section 777.001, Health and Safety Code, is  
22 amended to read as follows:

23           Sec. 777.001. REGIONAL POISON CONTROL CENTERS. (a) Six  
24 regional centers for poison control are designated as the regional  
25 poison control centers for the state as follows:

26                   (1) The University of Texas Medical Branch at  
27 Galveston;

1           (2) the Dallas County Hospital District/North Texas  
2 Poison Center;

3           (3) The University of Texas Health Science Center at  
4 San Antonio;

5           (4) the University Medical Center of [~~R. E. Thomason~~  
6 ~~General Hospital,~~] El Paso [~~County Hospital District~~];

7           (5) the [~~Northwest~~] Texas Tech University Health  
8 Sciences Center at [~~Hospital,~~] Amarillo [~~Hospital District~~]; and

9           (6) Scott and White Memorial Hospital, Temple, Texas.

10           (b) The poison control centers shall coordinate poison  
11 control activities within the designated health and human services  
12 regions for the state. The [~~Texas Department of Health and the~~  
13 ~~Advisory~~] Commission on State Emergency Communications shall  
14 [~~jointly~~] adopt rules designating the region for each poison  
15 control center. The [~~Texas Department of Health and the Advisory~~]  
16 Commission on State Emergency Communications may [~~jointly~~] adopt  
17 rules permitting poison control centers to provide services for  
18 regions served by other poison control centers in this state as  
19 necessary to maximize efficient use of resources and provide  
20 appropriate services in each region.

21           (c) The Commission on State Emergency Communications [~~Texas~~  
22 ~~Board of Health~~] may vote to designate a seventh regional or  
23 satellite poison control center in Harris County. That poison  
24 control center is subject to all provisions of this chapter and  
25 other law relating to regional poison control centers.

26           SECTION 5. Section 777.006, Health and Safety Code, is  
27 amended to read as follows:

1           Sec. 777.006. INFORMATION AT BIRTH. The Commission on  
2 State Emergency Communications [~~Texas Department of Health~~] shall  
3 assist the regional poison control centers in providing  
4 informational packets on poison prevention to parents of newborns.

5           SECTION 6. Sections 777.008 and 777.009, Health and Safety  
6 Code, are amended to read as follows:

7           Sec. 777.008. COORDINATING COMMITTEE. (a) The  
8 coordinating committee on poison control shall coordinate the  
9 activities of the regional poison control centers designated under  
10 Section 777.001(a) and advise the [~~Texas Board of Health and the~~  
11 ~~Advisory~~] Commission on State Emergency Communications.

12           (b) The committee is composed of:

13           (1) one public member appointed by the [~~Texas Board of~~  
14 ~~Health, one public member appointed by the Advisory~~] Commission on  
15 State Emergency Communications;

16           (2) six [~~7 and 13~~] members who represent the six  
17 regional poison control centers, one appointed by the chief  
18 executive officer of each center [~~each of the following entities:~~

19           [~~(1) The University of Texas Medical Branch at~~  
20 ~~Galveston~~];

21           [~~(2) the Dallas County Hospital District/North Texas~~  
22 ~~Poison Center,~~]

23           (3) one member appointed by [~~The University of Texas~~  
24 ~~Health Science Center at San Antonio,~~

25           [~~(4) R. E. Thomason General Hospital, El Paso County~~  
26 ~~Hospital District,~~

27           [~~(5) Northwest Texas Hospital, Amarillo Hospital~~

1 ~~District;~~  
2           ~~[(6) Scott and White Memorial Hospital, Temple, Texas,~~  
3           ~~[(7) The University of Texas Southwestern Medical~~  
4 ~~Center at Dallas;~~  
5           ~~[(8) The Texas A&M University Health Science Center;~~  
6           ~~[(9) the Texas Tech University Health Sciences Center;~~  
7           ~~[(10) the Texas Veterinary Medical Diagnostic~~  
8 ~~Laboratory;~~  
9           ~~[(11) the Department of Agriculture;~~  
10           ~~[(12)]~~ the commissioner of the [Texas] Department of  
11 State Health Services; and  
12           (4) one member who is a health care professional  
13 designated as the poison control program coordinator appointed by  
14 ~~[(13)]~~ the [~~Advisory~~] Commission on State Emergency  
15 Communications.

16           Sec. 777.009. FUNDING. (a) The [~~Texas Department of Health~~  
17 ~~and the Advisory~~] Commission on State Emergency Communications  
18 shall establish a program to award grants to fund the regional  
19 poison control centers.

20           (b) The [~~Texas Board of Health and the Advisory~~] Commission  
21 on State Emergency Communications shall [~~jointly~~] adopt rules to  
22 establish criteria for awarding the grants. The rules must require  
23 the agency [~~agencies~~] to consider:

24                   (1) the need of the region based on population served  
25 for poison control services and the extent to which the grant would  
26 meet the identified need;

27                   (2) the assurance of providing quality services;

- 1           (3) the availability of other funding sources;
- 2           (4) achieving or maintaining certification as a poison
- 3 control center with the American Association of Poison Control
- 4 Centers;
- 5           (5) maintenance of effort; and
- 6           (6) the development or existence of
- 7 telecommunications systems.

8           (c) The [~~Texas Department of Health and the Advisory~~]

9 Commission on State Emergency Communications may approve grants

10 according to commission [~~their jointly adopted~~] rules. A grant

11 awarded under this section is governed by Chapter 783, Government

12 Code, and the rules adopted under that chapter.

13           (d) The [~~Texas Department of Health and the Advisory~~]

14 Commission on State Emergency Communications may accept gifts or

15 grants from any source for purposes of this chapter.

16           SECTION 7. Sections 777.010(a) and (b), Health and Safety

17 Code, are amended to read as follows:

18           (a) On approval by and in coordination with the governor,

19 the [~~Texas Department of Health and the Advisory~~] Commission on

20 State Emergency Communications may [~~jointly~~] enter into a contract

21 for the provision of telephone referral and information services or

22 any program or service described by Section 777.003 to any person,

23 including:

24           (1) another state or a political subdivision of

25 another state; and

26           (2) another country or a political subdivision of

27 another country.

1 (b) The [~~Texas Department of Health and the Advisory~~]  
2 Commission on State Emergency Communications shall contract with  
3 one or more regional poison control centers to provide the services  
4 required under a contract entered into under Subsection (a). The  
5 [~~department and the~~] commission may not enter into a contract under  
6 this subsection if, in the opinion of the [~~department and the~~]  
7 commission, the regional poison control center's performance of the  
8 contract would result in a diminishment in the services provided in  
9 the region.

10 SECTION 8. Section 777.011, Health and Safety Code, is  
11 amended to read as follows:

12 Sec. 777.011. REGIONAL POISON CONTROL SERVICES ACCOUNT.  
13 The regional poison control services account is an account in the  
14 general revenue fund. The account is composed of money deposited to  
15 the account under Section 777.010(c). Money in the account may be  
16 appropriated only to the [~~Texas Department of Health and the~~  
17 ~~Advisory~~] Commission on State Emergency Communications:

18 (1) for administration of and payment for contracts  
19 entered into under Section 777.010(b); and

20 (2) to fund grants awarded under Section 777.009.

21 SECTION 9. Chapter 777, Health and Safety Code, is amended  
22 by adding Section 777.013 to read as follows:

23 Sec. 777.013. COOPERATION AND COORDINATION WITH THE  
24 DEPARTMENT OF STATE HEALTH SERVICES. (a) The Department of State  
25 Health Services, on request of the Commission on State Emergency  
26 Communications, shall provide epidemiological support to the  
27 regional poison control centers under this chapter to:

- 1           (1) maximize the use of data collected by the poison  
2 control network;  
3           (2) assist the regional poison control centers with  
4 quality control and quality assurance;  
5           (3) assist with research; and  
6           (4) coordinate poison control activities with other  
7 public health activities.

8           (b) Each regional poison control center shall provide the  
9 Department of State Health Services with access to all data and  
10 information collected by the regional poison control center for  
11 public health activities and epidemiological and toxicological  
12 investigations.

13           (c) The Commission on State Emergency Communications and  
14 the Department of State Health Services shall enter into a  
15 memorandum of understanding that delineates the responsibilities  
16 of each agency under this section and amend the memorandum of  
17 understanding as necessary to reflect the changes in those  
18 responsibilities.

19           SECTION 10. (a) Not later than January 1, 2010, the  
20 Department of State Health Services and the Commission on State  
21 Emergency Communications shall enter into a memorandum of  
22 understanding that:

23           (1) identifies in detail the applicable powers and  
24 duties that are being transferred by this Act; and

25           (2) establishes a plan for the identification and  
26 transfer of the records, property, and unspent appropriations of  
27 the Department of State Health Services that are used for purposes

1 of the Department of State Health Services' powers and duties  
2 relating to regional poison control centers under Chapter 777,  
3 Health and Safety Code, and other law.

4 (b) Not later than February 1, 2010, the Department of State  
5 Health Services and the Commission on State Emergency  
6 Communications shall enter into the memorandum of understanding  
7 required by Section 777.013, Health and Safety Code, as added by  
8 this Act.

9 SECTION 11. (a) On May 1, 2010:

10 (1) all functions and activities performed by the  
11 Department of State Health Services jointly with the Commission on  
12 State Emergency Communications immediately before that date are  
13 transferred to the Commission on State Emergency Communications;

14 (2) a rule, form, policy, procedure, or decision  
15 jointly adopted under Chapter 777, Health and Safety Code, as it  
16 existed before amendment by this Act, continues in effect as a rule,  
17 form, policy, procedure, or decision of the Commission on State  
18 Emergency Communications and remains in effect until amended or  
19 replaced by the Commission on State Emergency Communications;

20 (3) a reference in law or an administrative rule to the  
21 Department of State Health Services or its predecessor relating to  
22 regional poison control centers is a reference to the Commission on  
23 State Emergency Communications;

24 (4) all money, contracts, leases, rights, property,  
25 records, and bonds and other obligations of the Department of State  
26 Health Services or its predecessor relating to regional poison  
27 control centers are transferred to the Commission on State

1 Emergency Communications;

2           (5) a court case, administrative proceeding, contract  
3 negotiation, or other proceeding relating to regional poison  
4 control centers involving the Department of State Health Services  
5 or its predecessor is transferred without change in status to the  
6 Commission on State Emergency Communications, and the Commission on  
7 State Emergency Communications assumes, without a change in status,  
8 the position of the Department of State Health Services in a  
9 negotiation or proceeding relating to an activity transferred by  
10 this Act to the Commission on State Emergency Communications to  
11 which the Department of State Health Services is a party; and

12           (6) the unexpended and unobligated balance of any  
13 money appropriated by the legislature for the Department of State  
14 Health Services relating to regional poison control centers is  
15 transferred to the Commission on State Emergency Communications.

16           (b) Before May 1, 2010, the Department of State Health  
17 Services may agree with the Commission on State Emergency  
18 Communications to transfer any property of the Department of State  
19 Health Services to the Commission on State Emergency Communications  
20 to implement the transfer required by this section.

21           (c) During the period beginning on September 1, 2009, and  
22 ending on April 30, 2010:

23           (1) the Department of State Health Services shall  
24 continue to perform functions and activities relating to regional  
25 poison control centers under the Health and Safety Code or other law  
26 as if the law had not been amended or repealed, as applicable, and  
27 the former law is continued in effect for that purpose; and

1           (2) a person who is authorized or required by law to  
2 take an action relating to the Department of State Health Services  
3 or a member of the Department of State Health Services relating to  
4 regional poison control centers shall continue to take that action  
5 under the law as if the law had not been amended or repealed, as  
6 applicable, and the former law is continued in effect for that  
7 purpose.

8           SECTION 12. The term of a member serving on the coordinating  
9 committee on poison control immediately preceding the effective  
10 date of this Act expires on that date. The member may be  
11 reappointed to the committee.

12           SECTION 13. This Act takes effect September 1, 2009.