

By: Pickett

H.B. No. 1093

A BILL TO BE ENTITLED

AN ACT

relating to oversight of regional poison control centers.

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

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

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

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

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

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

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

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

(1) administer the implementation of statewide 9-1-1 service and the [~~telecommunications requirements for~~] poison control centers under Chapter 777;

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

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

8 (B) other features the commission considers
9 appropriate;

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

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

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

17 (6) develop and provide public education materials and
18 training;

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

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

24 (9) coordinate emergency communications services and
25 providers;

26 (10) make reasonable efforts to gain voluntary
27 cooperation in the commission's activities of emergency

1 communications authorities and providers outside the commission's
2 jurisdiction, including:

3 (A) making joint communications to state and
4 federal regulators; and

5 (B) arranging cooperative purchases of equipment
6 or services; and

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

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

13 (e) From the revenue received from the surcharge imposed by
14 this section, the amount derived from the application of the
15 surcharge at a rate of not more than .8 percent shall be
16 periodically allocated [~~to the Texas Department of Health~~] to fund
17 grants awarded under Section 777.009.

18 SECTION 4. Sections 777.001(b) and (c), Health and Safety
19 Code, are amended to read as follows:

20 (b) The poison control centers shall coordinate poison
21 control activities within the designated health and human services
22 regions for the state. The [~~Texas Department of Health and the~~
23 ~~Advisory~~] Commission on State Emergency Communications shall
24 [~~jointly~~] adopt rules designating the region for each poison
25 control center. The [~~Texas Department of Health and the Advisory~~]
26 Commission on State Emergency Communications may [~~jointly~~] adopt
27 rules permitting poison control centers to provide services for

1 regions served by other poison control centers in this state as
2 necessary to maximize efficient use of resources and provide
3 appropriate services in each region.

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

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

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

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

17 Sec. 777.008. COORDINATING COMMITTEE. (a) The
18 coordinating committee on poison control shall advise the [~~Texas~~
19 ~~Board of Health and the Advisory~~] Commission on State Emergency
20 Communications.

21 (b) The committee is composed of two [~~one public member~~
22 ~~appointed by the Texas Board of Health, one~~] public members
23 [~~member~~] appointed by the [~~Advisory~~] Commission on State Emergency
24 Communications[~~7~~] and 13 members appointed by the chief executive
25 officer of each of the following entities:

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) R. E. Thomason General Hospital, El Paso County
6 Hospital District;
- 7 (5) Northwest Texas Hospital, Amarillo Hospital
8 District;
- 9 (6) Scott and White Memorial Hospital, Temple, Texas;
- 10 (7) The University of Texas Southwestern Medical
11 Center at Dallas;
- 12 (8) The Texas A&M University Health Science Center;
- 13 (9) the Texas Tech University Health Sciences Center;
- 14 (10) the Texas Veterinary Medical Diagnostic
15 Laboratory;
- 16 (11) the Department of Agriculture;
- 17 (12) the [~~Texas~~] Department of State Health Services;
- 18 and
- 19 (13) the [~~Advisory~~] Commission on State Emergency
20 Communications.

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

25 (b) The [~~Texas Board of Health and the Advisory~~] Commission
26 on State Emergency Communications shall [~~jointly~~] adopt rules to
27 establish criteria for awarding the grants. The rules must require

1 the agency [~~agencies~~] to consider:

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

5 (2) the assurance of providing quality services;

6 (3) the availability of other funding sources;

7 (4) achieving or maintaining certification as a poison
8 control center with the American Association of Poison Control
9 Centers;

10 (5) maintenance of effort; and

11 (6) the development or existence of
12 telecommunications systems.

13 (c) The [~~Texas Department of Health and the Advisory~~]
14 Commission on State Emergency Communications may approve grants
15 according to commission [~~their jointly adopted~~] rules. A grant
16 awarded under this section is governed by Chapter 783, Government
17 Code, and the rules adopted under that chapter.

18 (d) The [~~Texas Department of Health and the Advisory~~]
19 Commission on State Emergency Communications may accept gifts or
20 grants from any source for purposes of this chapter.

21 SECTION 7. Sections 777.010(a) and (b), Health and Safety
22 Code, are amended to read as follows:

23 (a) On approval by and in coordination with the governor,
24 the [~~Texas Department of Health and the Advisory~~] Commission on
25 State Emergency Communications may [~~jointly~~] enter into a contract
26 for the provision of telephone referral and information services or
27 any program or service described by Section 777.003 to any person,

1 including:

2 (1) another state or a political subdivision of
3 another state; and

4 (2) another country or a political subdivision of
5 another country.

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

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

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

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

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

26 SECTION 9. Not later than January 1, 2010, the Department of
27 State Health Services and the Commission on State Emergency

1 Communications shall enter into a memorandum of understanding that:

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

4 (2) establishes a plan for the identification and
5 transfer of the records, property, and unspent appropriations of
6 the Department of State Health Services that are used for purposes
7 of the Department of State Health Services' powers and duties
8 relating to regional poison control centers under Chapter 777,
9 Health and Safety Code, and other law.

10 SECTION 10. (a) On May 1, 2010:

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

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

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

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

1 control centers are transferred to the Commission on State
2 Emergency Communications;

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

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

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

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

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

1 the former law is continued in effect for that purpose; and

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

9 SECTION 11. This Act takes effect September 1, 2009.