

1-1 By: Pickett (Senate Sponsor - Nelson) H.B. No. 1093  
1-2 (In the Senate - Received from the House April 29, 2009;  
1-3 May 4, 2009, read first time and referred to Committee on Health  
1-4 and Human Services; May 8, 2009, reported favorably by the  
1-5 following vote: Yeas 8, Nays 0; May 8, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to oversight of regional poison control centers and the  
1-9 poison control network.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 771.031(b), Health and Safety Code, is  
1-12 amended to read as follows:

1-13 (b) The following individuals serve as nonvoting ex officio  
1-14 members:

1-15 (1) the executive director of the Public Utility  
1-16 Commission of Texas, or an individual designated by the executive  
1-17 director;

1-18 (2) the executive director of the Department of  
1-19 Information Resources, or an individual designated by the executive  
1-20 director; and

1-21 (3) the executive commissioner of the Health and Human  
1-22 Services Commission [~~public health~~], or an individual [~~who has~~  
1-23 ~~responsibility for the poison control network~~] designated by the  
1-24 executive commissioner.

1-25 SECTION 2. Section 771.051(a), Health and Safety Code, is  
1-26 amended to read as follows:

1-27 (a) The commission is the state's authority on emergency  
1-28 communications. The commission shall:

1-29 (1) administer the implementation of statewide 9-1-1  
1-30 service and the [~~telecommunications requirements for~~] poison  
1-31 control network, including poison control centers under Chapter  
1-32 777;

1-33 (2) develop minimum performance standards for  
1-34 equipment and operation of 9-1-1 service to be followed in  
1-35 developing regional plans under Section 771.055, including  
1-36 requirements that the plans provide for:

1-37 (A) automatic number identification by which the  
1-38 telephone number of the caller is automatically identified at the  
1-39 public safety answering point receiving the call; and

1-40 (B) other features the commission considers  
1-41 appropriate;

1-42 (3) examine and approve or disapprove regional plans  
1-43 as provided by Section 771.056;

1-44 (4) recommend minimum training standards, assist in  
1-45 training, and provide assistance in the establishment and operation  
1-46 of 9-1-1 service;

1-47 (5) allocate money to prepare and operate regional  
1-48 plans as provided by Section 771.056;

1-49 (6) develop and provide public education materials and  
1-50 training;

1-51 (7) plan, implement, operate, and maintain poison  
1-52 control center databases and assist in planning, supporting, and  
1-53 facilitating 9-1-1 databases, as needed;

1-54 (8) provide grants or contracts for services that  
1-55 enhance the effectiveness of 9-1-1 service;

1-56 (9) coordinate emergency communications services and  
1-57 providers;

1-58 (10) make reasonable efforts to gain voluntary  
1-59 cooperation in the commission's activities of emergency  
1-60 communications authorities and providers outside the commission's  
1-61 jurisdiction, including:

1-62 (A) making joint communications to state and  
1-63 federal regulators; and

1-64 (B) arranging cooperative purchases of equipment

2-1 or services; and

2-2 (11) accept, receive, and deposit in its account in  
2-3 the general revenue fund gifts, grants, and royalties from public  
2-4 and private entities. Gifts, grants, and royalties may be used for  
2-5 the purposes of the commission.

2-6 SECTION 3. Section 771.072(e), Health and Safety Code, is  
2-7 amended to read as follows:

2-8 (e) From the revenue received from the surcharge imposed by  
2-9 this section, the amount derived from the application of the  
2-10 surcharge at a rate of not more than .8 percent shall be  
2-11 periodically allocated [~~to the Texas Department of Health~~] to fund  
2-12 grants awarded under Section 777.009 and other activities related  
2-13 to the poison control centers as required by Chapter 777.

2-14 SECTION 4. Section 777.001, Health and Safety Code, is  
2-15 amended to read as follows:

2-16 Sec. 777.001. REGIONAL POISON CONTROL CENTERS. (a) Six  
2-17 regional centers for poison control are designated as the regional  
2-18 poison control centers for the state as follows:

2-19 (1) The University of Texas Medical Branch at  
2-20 Galveston;

2-21 (2) the Dallas County Hospital District/North Texas  
2-22 Poison Center;

2-23 (3) The University of Texas Health Science Center at  
2-24 San Antonio;

2-25 (4) the University Medical Center of [~~R. E. Thomason~~  
2-26 ~~General Hospital,~~] El Paso, El Paso County Hospital District;

2-27 (5) the [~~Northwest~~] Texas Tech University Health  
2-28 Sciences Center at [~~Hospital,~~] Amarillo [~~Hospital District~~]; and

2-29 (6) Scott and White Memorial Hospital, Temple, Texas.

2-30 (b) The poison control centers shall coordinate poison  
2-31 control activities within the designated health and human services  
2-32 regions for the state. The [~~Texas Department of Health and the~~  
2-33 ~~Advisory~~] Commission on State Emergency Communications shall  
2-34 [~~jointly~~] adopt rules designating the region for each poison  
2-35 control center. The [~~Texas Department of Health and the Advisory~~]  
2-36 Commission on State Emergency Communications may [~~jointly~~] adopt  
2-37 rules permitting poison control centers to provide services for  
2-38 regions served by other poison control centers in this state as  
2-39 necessary to maximize efficient use of resources and provide  
2-40 appropriate services in each region.

2-41 (c) The Commission on State Emergency Communications [~~Texas~~  
2-42 ~~Board of Health~~] may vote to designate a seventh regional or  
2-43 satellite poison control center in Harris County. That poison  
2-44 control center is subject to all provisions of this chapter and  
2-45 other law relating to regional poison control centers.

2-46 SECTION 5. Section 777.006, Health and Safety Code, is  
2-47 amended to read as follows:

2-48 Sec. 777.006. INFORMATION AT BIRTH. The Commission on  
2-49 State Emergency Communications [~~Texas Department of Health~~] shall  
2-50 assist the regional poison control centers in providing  
2-51 informational packets on poison prevention to parents of newborns.

2-52 SECTION 6. Sections 777.008 and 777.009, Health and Safety  
2-53 Code, are amended to read as follows:

2-54 Sec. 777.008. COORDINATING COMMITTEE. (a) The  
2-55 coordinating committee on poison control shall coordinate the  
2-56 activities of the regional poison control centers designated under  
2-57 Section 777.001(a) and advise the [~~Texas Board of Health and the~~  
2-58 ~~Advisory~~] Commission on State Emergency Communications.

2-59 (b) The committee is composed of:

2-60 (1) one public member appointed by the [~~Texas Board of~~  
2-61 ~~Health, one public member appointed by the Advisory~~] Commission on  
2-62 State Emergency Communications;

2-63 (2) six [~~7, and 13~~] members who represent the six  
2-64 regional poison control centers, one appointed by the chief  
2-65 executive officer of each center [~~each of the following entities:~~

2-66 [~~(1) The University of Texas Medical Branch at~~  
2-67 ~~Galveston];~~

2-68 [~~(2) the Dallas County Hospital District/North Texas~~  
2-69 ~~Poison Center,]~~

3-1 (3) one member appointed by [The University of Texas  
3-2 Health Science Center at San Antonio;  
3-3 [~~(4) R. E. Thomason General Hospital, El Paso County~~  
3-4 ~~Hospital District;~~  
3-5 [~~(5) Northwest Texas Hospital, Amarillo Hospital~~  
3-6 ~~District;~~  
3-7 [~~(6) Scott and White Memorial Hospital, Temple, Texas;~~  
3-8 [~~(7) The University of Texas Southwestern Medical~~  
3-9 ~~Center at Dallas;~~  
3-10 [~~(8) The Texas A&M University Health Science Center;~~  
3-11 [~~(9) the Texas Tech University Health Sciences Center;~~  
3-12 [~~(10) the Texas Veterinary Medical Diagnostic~~  
3-13 ~~Laboratory;~~  
3-14 [~~(11) the Department of Agriculture;~~  
3-15 [~~(12)~~] the commissioner of the [Texas] Department of  
3-16 State Health Services; and  
3-17 (4) one member who is a health care professional  
3-18 designated as the poison control program coordinator appointed by  
3-19 [~~(13)~~] the [Advisory] Commission on State Emergency  
3-20 Communications.  
3-21 Sec. 777.009. FUNDING. (a) The [~~Texas Department of Health~~  
3-22 ~~and the Advisory]~~ Commission on State Emergency Communications  
3-23 shall establish a program to award grants to fund the regional  
3-24 poison control centers.  
3-25 (b) The [~~Texas Board of Health and the Advisory]~~ Commission  
3-26 on State Emergency Communications shall [~~jointly~~] adopt rules to  
3-27 establish criteria for awarding the grants. The rules must require  
3-28 the agency [~~agencies~~] to consider:  
3-29 (1) the need of the region based on population served  
3-30 for poison control services and the extent to which the grant would  
3-31 meet the identified need;  
3-32 (2) the assurance of providing quality services;  
3-33 (3) the availability of other funding sources;  
3-34 (4) achieving or maintaining certification as a poison  
3-35 control center with the American Association of Poison Control  
3-36 Centers;  
3-37 (5) maintenance of effort; and  
3-38 (6) the development or existence of  
3-39 telecommunications systems.  
3-40 (c) The [~~Texas Department of Health and the Advisory]~~  
3-41 Commission on State Emergency Communications may approve grants  
3-42 according to commission [~~their jointly adopted~~] rules. A grant  
3-43 awarded under this section is governed by Chapter 783, Government  
3-44 Code, and the rules adopted under that chapter.  
3-45 (d) The [~~Texas Department of Health and the Advisory]~~  
3-46 Commission on State Emergency Communications may accept gifts or  
3-47 grants from any source for purposes of this chapter.  
3-48 SECTION 7. Sections 777.010(a) and (b), Health and Safety  
3-49 Code, are amended to read as follows:  
3-50 (a) On approval by and in coordination with the governor,  
3-51 the [~~Texas Department of Health and the Advisory]~~ Commission on  
3-52 State Emergency Communications may [~~jointly~~] enter into a contract  
3-53 for the provision of telephone referral and information services or  
3-54 any program or service described by Section 777.003 to any person,  
3-55 including:  
3-56 (1) another state or a political subdivision of  
3-57 another state; and  
3-58 (2) another country or a political subdivision of  
3-59 another country.  
3-60 (b) The [~~Texas Department of Health and the Advisory]~~  
3-61 Commission on State Emergency Communications shall contract with  
3-62 one or more regional poison control centers to provide the services  
3-63 required under a contract entered into under Subsection (a). The  
3-64 [~~department and the~~] commission may not enter into a contract under  
3-65 this subsection if, in the opinion of the [~~department and the~~]  
3-66 commission, the regional poison control center's performance of the  
3-67 contract would result in a diminishment in the services provided in  
3-68 the region.  
3-69 SECTION 8. Section 777.011, Health and Safety Code, is

4-1 amended to read as follows:

4-2 Sec. 777.011. REGIONAL POISON CONTROL SERVICES ACCOUNT.  
 4-3 The regional poison control services account is an account in the  
 4-4 general revenue fund. The account is composed of money deposited to  
 4-5 the account under Section 777.010(c). Money in the account may be  
 4-6 appropriated only to the [~~Texas Department of Health and the~~  
 4-7 ~~Advisory~~] Commission on State Emergency Communications:

4-8 (1) for administration of and payment for contracts  
 4-9 entered into under Section 777.010(b); and

4-10 (2) to fund grants awarded under Section 777.009.

4-11 SECTION 9. Chapter 777, Health and Safety Code, is amended  
 4-12 by adding Section 777.013 to read as follows:

4-13 Sec. 777.013. COOPERATION AND COORDINATION WITH THE  
 4-14 DEPARTMENT OF STATE HEALTH SERVICES. (a) The Department of State  
 4-15 Health Services, on request of the Commission on State Emergency  
 4-16 Communications, shall provide epidemiological support to the  
 4-17 regional poison control centers under this chapter to:

4-18 (1) maximize the use of data collected by the poison  
 4-19 control network;

4-20 (2) assist the regional poison control centers with  
 4-21 quality control and quality assurance;

4-22 (3) assist with research; and

4-23 (4) coordinate poison control activities with other  
 4-24 public health activities.

4-25 (b) Each regional poison control center shall provide the  
 4-26 Department of State Health Services with access to all data and  
 4-27 information collected by the regional poison control center for  
 4-28 public health activities and epidemiological and toxicological  
 4-29 investigations.

4-30 (c) The Commission on State Emergency Communications and  
 4-31 the Department of State Health Services shall enter into a  
 4-32 memorandum of understanding that delineates the responsibilities  
 4-33 of each agency under this section and amend the memorandum of  
 4-34 understanding as necessary to reflect the changes in those  
 4-35 responsibilities.

4-36 SECTION 10. (a) Not later than January 1, 2010, the  
 4-37 Department of State Health Services and the Commission on State  
 4-38 Emergency Communications shall enter into a memorandum of  
 4-39 understanding that:

4-40 (1) identifies in detail the applicable powers and  
 4-41 duties that are being transferred by this Act; and

4-42 (2) establishes a plan for the identification and  
 4-43 transfer of the records, property, and unspent appropriations of  
 4-44 the Department of State Health Services that are used for purposes  
 4-45 of the Department of State Health Services' powers and duties  
 4-46 relating to regional poison control centers under Chapter 777,  
 4-47 Health and Safety Code, and other law.

4-48 (b) Not later than February 1, 2010, the Department of State  
 4-49 Health Services and the Commission on State Emergency  
 4-50 Communications shall enter into the memorandum of understanding  
 4-51 required by Section 777.013, Health and Safety Code, as added by  
 4-52 this Act.

4-53 SECTION 11. (a) On May 1, 2010:

4-54 (1) all functions and activities performed by the  
 4-55 Department of State Health Services jointly with the Commission on  
 4-56 State Emergency Communications immediately before that date are  
 4-57 transferred to the Commission on State Emergency Communications;

4-58 (2) a rule, form, policy, procedure, or decision  
 4-59 jointly adopted under Chapter 777, Health and Safety Code, as it  
 4-60 existed before amendment by this Act, continues in effect as a rule,  
 4-61 form, policy, procedure, or decision of the Commission on State  
 4-62 Emergency Communications and remains in effect until amended or  
 4-63 replaced by the Commission on State Emergency Communications;

4-64 (3) a reference in law or an administrative rule to the  
 4-65 Department of State Health Services or its predecessor relating to  
 4-66 regional poison control centers is a reference to the Commission on  
 4-67 State Emergency Communications;

4-68 (4) all money, contracts, leases, rights, property,  
 4-69 records, and bonds and other obligations of the Department of State

5-1 Health Services or its predecessor relating to regional poison  
5-2 control centers are transferred to the Commission on State  
5-3 Emergency Communications;

5-4 (5) a court case, administrative proceeding, contract  
5-5 negotiation, or other proceeding relating to regional poison  
5-6 control centers involving the Department of State Health Services  
5-7 or its predecessor is transferred without change in status to the  
5-8 Commission on State Emergency Communications, and the Commission on  
5-9 State Emergency Communications assumes, without a change in status,  
5-10 the position of the Department of State Health Services in a  
5-11 negotiation or proceeding relating to an activity transferred by  
5-12 this Act to the Commission on State Emergency Communications to  
5-13 which the Department of State Health Services is a party; and

5-14 (6) the unexpended and unobligated balance of any  
5-15 money appropriated by the legislature for the Department of State  
5-16 Health Services relating to regional poison control centers is  
5-17 transferred to the Commission on State Emergency Communications.

5-18 (b) Before May 1, 2010, the Department of State Health  
5-19 Services may agree with the Commission on State Emergency  
5-20 Communications to transfer any property of the Department of State  
5-21 Health Services to the Commission on State Emergency Communications  
5-22 to implement the transfer required by this section.

5-23 (c) During the period beginning on September 1, 2009, and  
5-24 ending on April 30, 2010:

5-25 (1) the Department of State Health Services shall  
5-26 continue to perform functions and activities relating to regional  
5-27 poison control centers under the Health and Safety Code or other law  
5-28 as if the law had not been amended or repealed, as applicable, and  
5-29 the former law is continued in effect for that purpose; and

5-30 (2) a person who is authorized or required by law to  
5-31 take an action relating to the Department of State Health Services  
5-32 or a member of the Department of State Health Services relating to  
5-33 regional poison control centers shall continue to take that action  
5-34 under the law as if the law had not been amended or repealed, as  
5-35 applicable, and the former law is continued in effect for that  
5-36 purpose.

5-37 SECTION 12. The term of a member serving on the coordinating  
5-38 committee on poison control immediately preceding the effective  
5-39 date of this Act expires on that date. The member may be  
5-40 reappointed to the committee.

5-41 SECTION 13. This Act takes effect September 1, 2009.

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