

By: Nelson

S.B. No. 435

A BILL TO BE ENTITLED

AN ACT

relating to the consolidation of the regional poison control centers into the Texas Poison Control Center.

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

SECTION 1. The heading to Chapter 777, Health and Safety Code, is amended to read as follows:

CHAPTER 777. TEXAS [~~REGIONAL~~] POISON CONTROL CENTER [~~CENTERS~~]

SECTION 2. Sections 777.001 through 777.008, Health and Safety Code, are amended to read as follows:

Sec. 777.001. TEXAS [~~REGIONAL~~] POISON CONTROL CENTER [~~CENTERS~~]. (a) In this chapter:

(1) "Center" means the Texas Poison Control Center established under Subsection (b).

(2) "Coordinating committee" means the coordinating committee on poison control established under Section 777.008.

(b) The Texas Poison Control Center is established. The coordinating committee shall determine a geographical location in this state for the center and may designate one or more medical facilities in this state to be affiliated with the center.

(c) [~~Six regional centers for poison control are designated as the regional poison control centers for the state as follows:~~

[~~(1) The University of Texas Medical Branch at Galveston,~~

[~~(2) the Dallas County Hospital District/North Texas~~

1 ~~Poison Center,~~

2 ~~[(3) The University of Texas Health Science Center at~~
3 ~~San Antonio,~~

4 ~~[(4) the University Medical Center of El Paso, El Paso~~
5 ~~County Hospital District,~~

6 ~~[(5) the Texas Tech University Health Sciences Center~~
7 ~~at Amarillo, and~~

8 ~~[(6) Scott and White Memorial Hospital, Temple, Texas.~~

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

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

24 Sec. 777.002. TELEPHONE SERVICES. (a) The [~~A poison~~
25 ~~control~~] center [~~established by this chapter~~] shall provide a
26 24-hour toll-free telephone referral and information service for
27 the public and health care professionals according to the

1 requirements of the American Association of Poison Control Centers.

2 (b) Each public safety answering point, as that term is
3 defined by Section 771.001, shall have direct telephone access to
4 the ~~[at least one poison control]~~ center. Poison ~~[Regional poison]~~
5 information services may be available directly from the center ~~[for~~
6 ~~the region or from another poison control center]~~ but shall be
7 available through all 9-1-1 services ~~[in the region]~~, as the term
8 "9-1-1 service" is defined by Section 771.001, throughout the
9 state. The 9-1-1 service calls pertaining to poisonings may be
10 routed to a poison control answering site, if possible, if the
11 routing does not adversely affect the immediate availability of
12 poisoning management services.

13 (c) The ~~[A poison control]~~ center shall ensure that poison
14 control activities in this state ~~[within the designated region]~~
15 meet the criteria established by the American Association of Poison
16 Control Centers. The ~~[A]~~ center may meet the criteria directly or
17 may affiliate with other poison control centers or poison treatment
18 facilities in other states, if necessary ~~[possible]~~. The ~~[A]~~
19 center shall ensure that treatment facilities and services are
20 available in this state ~~[within the region]~~ and shall identify and
21 make available to the public and to appropriate health
22 professionals information concerning analytical toxicology,
23 emergency and critical care, and extracorporeal capabilities in
24 this state ~~[within the region]~~.

25 Sec. 777.003. COMMUNITY PROGRAMS AND ASSISTANCE. (a) The
26 ~~[A poison control]~~ center shall provide:

27 (1) community education programs on poison prevention

1 methods to inform the public, such as presentations to persons
2 attending a primary or secondary school, a parent-teacher
3 association meeting, an employee safety meeting at an industrial
4 company, or other interested groups;

5 (2) information and education to health professionals
6 involved in the management of poison and overdose victims,
7 including information regarding appropriate therapeutic use of
8 medications, their compatibility and stability, and adverse drug
9 reactions and interactions;

10 (3) professional and technical assistance to state
11 agencies requesting toxicologic assistance; and

12 (4) consultation services concerning medical
13 toxicology, for which a fee may be charged in an amount set by the
14 institution in which the center is located to cover the costs of the
15 service.

16 (b) The center shall develop an objective evaluation
17 process for community education programs on poison prevention
18 methods provided under Subsection (a)(1) and use the evaluation
19 process to design and update as necessary a standardized program
20 model for use throughout this state.

21 Sec. 777.004. STAFF. (a) The [~~A poison control~~] center
22 [~~established under this chapter~~] shall use physicians,
23 pharmacists, nurses, other professionals, and support personnel
24 trained in various aspects of toxicology and poison control and
25 prevention.

26 (b) The [~~A poison control~~] center shall make available
27 resources, if possible, to accommodate persons who do not speak

1 English.

2 Sec. 777.005. RESEARCH PROGRAMS. (a) The [~~A poison~~
3 ~~control~~] center may conduct a toxicology poison treatment research
4 program to improve treatments for poisoning victims and to reduce
5 the severity of injuries from poisonings.

6 (b) The [~~A poison control~~] center may accept grants or
7 contributions from public or private sources to be used for
8 research.

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

13 Sec. 777.007. STATE LIABILITY. The state shall indemnify
14 the [~~a poison control~~] center and an employee of the [~~a poison~~
15 ~~control~~] center under Chapter 104, Civil Practice and Remedies
16 Code.

17 Sec. 777.008. COORDINATING COMMITTEE. (a) The
18 coordinating committee on poison control shall coordinate the
19 activities of the center [~~regional poison control centers~~
20 ~~designated under Section 777.001(a)~~] and advise the Commission on
21 State Emergency Communications.

22 (b) The committee is composed of:

23 (1) one public member appointed by the Commission on
24 State Emergency Communications;

25 (2) six members who represent the center [~~six regional~~
26 ~~poison control centers, one~~] appointed by the chief executive
27 officer of the [~~each~~] center;

1 (3) one member appointed by the commissioner of the
2 Department of State Health Services; and

3 (4) one member who is a health care professional
4 designated as the poison control program coordinator appointed
5 by the Commission on State Emergency Communications.

6 SECTION 3. Sections 777.009(a) and (b), Health and Safety
7 Code, are amended to read as follows:

8 (a) The Commission on State Emergency Communications shall
9 establish a program to award grants to fund the center [~~regional~~
10 ~~poison control centers~~].

11 (b) The Commission on State Emergency Communications shall
12 adopt rules to establish criteria for awarding the grants. The
13 rules must require the agency to consider:

14 (1) the need [~~of the region based on population~~
15 ~~served~~] for poison control services in this state and the extent to
16 which the grant would meet the identified need;

17 (2) the assurance of providing quality services;

18 (3) the availability of other funding sources;

19 (4) achieving or maintaining certification as a poison
20 control center with the American Association of Poison Control
21 Centers;

22 (5) maintenance of effort; and

23 (6) the development or existence of
24 telecommunications systems.

25 SECTION 4. The heading to Section 777.010, Health and
26 Safety Code, is amended to read as follows:

27 Sec. 777.010. OUT-OF-STATE [~~OUT-OF-REGION~~] SERVICES;

1 SERVICES FOR PRIVATE ENTITIES.

2 SECTION 5. Sections 777.010(b) and (c), Health and Safety
3 Code, are amended to read as follows:

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

12 (c) A contract described by Subsection (a) must recover the
13 cost of providing the services and may include a reasonable
14 additional amount to support the center's [~~poison control center~~]
15 services in this state. Revenue from a contract described by
16 Subsection (a) must be deposited to the credit of the [~~regional~~]
17 poison control services account.

18 SECTION 6. Section 777.011, Health and Safety Code, is
19 amended to read as follows:

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

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

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

2 SECTION 7. Sections 777.012(b) and (c), Health and Safety
3 Code, are amended to read as follows:

4 (b) A service provider shall furnish to the [~~a poison~~
5 ~~control~~] center for each call to an emergency line of the center the
6 telephone number of the subscribers and the address associated with
7 the number.

8 (c) Information furnished to the [~~a poison control~~] center
9 under this section is confidential and is not available for public
10 inspection. Information contained in an address database used to
11 provide the number or location identification information under
12 this section is confidential and is not available for public
13 inspection. The service provider or a third party that maintains an
14 address database is not liable to any person for the release of
15 information furnished by the service provider or third party in
16 providing number or location identification information under this
17 section, unless the act or omission proximately causing the claim,
18 damage, or loss constitutes gross negligence, recklessness, or
19 intentional misconduct.

20 SECTION 8. Sections 777.013(a) and (b), Health and Safety
21 Code, are amended to read as follows:

22 (a) The Department of State Health Services, on request of
23 the Commission on State Emergency Communications, shall provide
24 epidemiological support to the center [~~regional poison control~~
25 ~~centers under this chapter~~] to:

26 (1) maximize the use of data collected by the center
27 [~~poison control network~~];

1 (2) assist the center [~~regional poison control~~
2 ~~centers~~] with quality control and quality assurance;

3 (3) assist with research; and

4 (4) coordinate poison control activities with other
5 public health activities.

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

11 SECTION 9. Section 241.153, Health and Safety Code, is
12 amended to read as follows:

13 Sec. 241.153. DISCLOSURE WITHOUT WRITTEN AUTHORIZATION. A
14 patient's health care information may be disclosed without the
15 patient's authorization if the disclosure is:

16 (1) directory information, unless the patient has
17 instructed the hospital not to make the disclosure or the directory
18 information is otherwise protected by state or federal law;

19 (2) to a health care provider who is rendering health
20 care to the patient when the request for the disclosure is made;

21 (3) to a transporting emergency medical services
22 provider for the purpose of:

23 (A) treatment or payment, as those terms are
24 defined by the regulations adopted under the Health Insurance
25 Portability and Accountability Act of 1996 (Pub. L. No. 104-191);
26 or

27 (B) the following health care operations

1 described by the regulations adopted under the Health Insurance
2 Portability and Accountability Act of 1996 (Pub. L. No. 104-191):

3 (i) quality assessment and improvement
4 activities;

5 (ii) specified insurance functions;

6 (iii) conducting or arranging for medical
7 reviews; or

8 (iv) competency assurance activities;

9 (4) to a member of the clergy specifically designated
10 by the patient;

11 (5) to a procurement organization as defined in
12 Section 692A.002 for the purpose of making inquiries relating to
13 donations according to the protocol referred to in Section
14 692A.015;

15 (6) to a prospective health care provider for the
16 purpose of securing the services of that health care provider as
17 part of the patient's continuum of care, as determined by the
18 patient's attending physician;

19 (7) to a person authorized to consent to medical
20 treatment under Chapter 313 or to a person in a circumstance
21 exempted from Chapter 313 to facilitate the adequate provision of
22 treatment;

23 (8) to an employee or agent of the hospital who
24 requires health care information for health care education, quality
25 assurance, or peer review or for assisting the hospital in the
26 delivery of health care or in complying with statutory, licensing,
27 accreditation, or certification requirements and if the hospital

1 takes appropriate action to ensure that the employee or agent:

2 (A) will not use or disclose the health care
3 information for any other purpose; and

4 (B) will take appropriate steps to protect the
5 health care information;

6 (9) to a federal, state, or local government agency or
7 authority to the extent authorized or required by law;

8 (10) to a hospital that is the successor in interest to
9 the hospital maintaining the health care information;

10 (11) to the American Red Cross for the specific
11 purpose of fulfilling the duties specified under its charter
12 granted as an instrumentality of the United States government;

13 (12) to the Texas Poison Control Center established
14 under [a regional poison control center, as the term is used in]
15 Chapter 777, to the extent necessary to enable the center to provide
16 information and education to health professionals involved in the
17 management of poison and overdose victims, including information
18 regarding appropriate therapeutic use of medications, their
19 compatibility and stability, and adverse drug reactions and
20 interactions;

21 (13) to a health care utilization review agent who
22 requires the health care information for utilization review of
23 health care under Chapter 4201, Insurance Code;

24 (14) for use in a research project authorized by an
25 institutional review board under federal law;

26 (15) to health care personnel of a penal or other
27 custodial institution in which the patient is detained if the

1 disclosure is for the sole purpose of providing health care to the
2 patient;

3 (16) to facilitate reimbursement to a hospital, other
4 health care provider, or the patient for medical services or
5 supplies;

6 (17) to a health maintenance organization for purposes
7 of maintaining a statistical reporting system as required by a rule
8 adopted by a state agency or regulations adopted under the federal
9 Health Maintenance Organization Act of 1973, as amended (42 U.S.C.
10 Section 300e et seq.);

11 (18) to satisfy a request for medical records of a
12 deceased or incompetent person pursuant to Section 74.051(e), Civil
13 Practice and Remedies Code;

14 (19) to comply with a court order except as provided by
15 Subdivision (20); or

16 (20) related to a judicial proceeding in which the
17 patient is a party and the disclosure is requested under a subpoena
18 issued under:

19 (A) the Texas Rules of Civil Procedure or Code of
20 Criminal Procedure; or

21 (B) Chapter 121, Civil Practice and Remedies
22 Code.

23 SECTION 10. Section 771.051(a), Health and Safety Code, is
24 amended to read as follows:

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

27 (1) administer the implementation of statewide 9-1-1

1 service and the poison control network, including the Texas Poison
2 Control Center established [~~poison control centers~~] under Chapter
3 777;

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

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

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

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

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

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

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

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

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

27 (9) coordinate emergency communications services and

1 providers;

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

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

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

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

14 SECTION 11. Sections 771.072(e) and (f), Health and Safety
15 Code, are amended to read as follows:

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

22 (f) The comptroller shall deposit the surcharges and any
23 prior balances in accounts in the general revenue fund in the state
24 treasury until they are allocated to regional planning commissions,
25 other 9-1-1 jurisdictions, and the Texas Poison Control Center
26 [~~regional poison control centers~~] in accordance with this section.

27 From those accounts, the amount necessary for the commission to

1 fund approved plans of regional planning commissions and the Texas
2 Poison Control Center [~~regional poison control centers~~] and to
3 carry out its duties under this chapter shall be appropriated to the
4 commission. Section 403.095, Government Code, does not apply to an
5 account established by this subsection.

6 SECTION 12. Section 153.015, Occupations Code, is amended
7 to read as follows:

8 Sec. 153.015. POISON CONTROL CENTER INFORMATION. The board
9 shall provide to license holders information regarding the services
10 provided by the Texas Poison Control Center [~~poison control~~
11 ~~centers~~].

12 SECTION 13. Section 202.161, Occupations Code, is amended
13 to read as follows:

14 Sec. 202.161. POISON CONTROL CENTER INFORMATION. The board
15 shall provide to license holders information regarding the services
16 provided by the Texas Poison Control Center [~~poison control~~
17 ~~centers~~].

18 SECTION 14. Section 254.017, Occupations Code, is amended
19 to read as follows:

20 Sec. 254.017. POISON CONTROL CENTER INFORMATION. The board
21 shall provide to license holders information regarding the services
22 provided by the Texas Poison Control Center [~~poison control~~
23 ~~centers~~].

24 SECTION 15. Section 301.1582, Occupations Code, is amended
25 to read as follows:

26 Sec. 301.1582. POISON CONTROL CENTER INFORMATION. The
27 board shall provide to license holders information regarding the

1 services provided by the Texas Poison Control Center [~~poison~~
2 ~~control centers~~].

3 SECTION 16. Section 351.167, Occupations Code, is amended
4 to read as follows:

5 Sec. 351.167. POISON CONTROL CENTER INFORMATION. The board
6 shall provide to license holders information regarding the services
7 provided by the Texas Poison Control Center [~~poison control~~
8 ~~centers~~].

9 SECTION 17. Section 554.015, Occupations Code, is amended
10 to read as follows:

11 Sec. 554.015. POISON CONTROL CENTER INFORMATION. The board
12 shall provide to license holders information regarding the services
13 provided by the Texas Poison Control Center [~~poison control~~
14 ~~centers~~].

15 SECTION 18. (a) Not later than March 1, 2012, the
16 Commission on State Emergency Communications shall consolidate the
17 six regional poison control centers in this state into and
18 establish the Texas Poison Control Center, as required by Section
19 777.001, Health and Safety Code, as amended by this Act, at the
20 geographical location determined by the coordinating committee on
21 poison control. On that date, the regional poison control centers
22 are abolished and the powers, duties, obligations, rights,
23 contracts, records, personnel, property, and unspent
24 appropriations of the six regional poison control centers in this
25 state are transferred to the Texas Poison Control Center.

26 (b) The rules of the regional poison control centers in this
27 state are continued in effect as rules of the Texas Poison Control

1 Center until superseded by rule.

2 (c) Notwithstanding the changes in law made by this Act,
3 until the date the Commission on State Emergency Communications
4 consolidates the six regional poison control centers as provided by
5 this section, the regional poison control centers shall continue to
6 operate and provide services under the law that governed the
7 centers before the effective date of this Act, and the prior law is
8 continued in effect for that purpose.

9 (d) As soon as practicable after the date the Texas Poison
10 Control Center is established as provided by this section, the
11 chief executive officer of the center shall appoint six members who
12 represent the center to the coordinating committee on poison
13 control established by Section 777.008, Health and Safety Code, as
14 amended by this Act. The members serving on the coordinating
15 committee as representatives of the six regional poison control
16 centers immediately before the effective date of this Act shall
17 continue to serve on the coordinating committee until the date the
18 chief executive officer appoints members who represent the center
19 as required by this subsection.

20 SECTION 19. (a) Not later than March 1, 2012, the
21 coordinating committee on poison control established by Section
22 777.008, Health and Safety Code, as amended by this Act, shall
23 determine a geographical location for the Texas Poison Control
24 Center, as required by Section 777.001(b), Health and Safety Code,
25 as amended by this Act.

26 (b) Not later than March 1, 2013, the Texas Poison Control
27 Center established under Section 777.001, Health and Safety Code,

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1 as amended by this Act, shall design the initial standardized
2 program model for community education programs as required by
3 Section 777.003(b), Health and Safety Code, as added by this Act.

4 SECTION 20. This Act takes effect September 1, 2011.