

## **BILL ANALYSIS**

C.S.H.B. 2055  
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Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Neglected and emerging tropical diseases are surfacing in the United States and pose a significant threat to public health, as evidenced by the recent Ebola cases. Symptoms of these diseases can be debilitating and have chronic and adverse impacts on childhood development, pregnancy outcomes, and worker productivity. Informed observers note that regions with a warm tropical climate and significant populations living in poverty, such as the border regions of Texas, are particularly vulnerable to the spread of neglected tropical diseases, and estimates show that there may be as many as 250,000 cases of Chagas disease, commonly referred to as the kissing bug disease, in Texas today.

While these types of diseases are on the state's list of reportable diseases, the observers contend that they are not consistently tracked and that more research, data collection, and analysis are needed in order to assess the prevalence of these diseases in Texas. C.S.H.B. 2055 seeks to create a system to monitor the incidence, prevalence, and trends of neglected and emerging tropical diseases in Texas.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 2055 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to establish in the Department of State Health Services (DSHS) a program to identify by sentinel surveillance individuals infected with emerging or neglected tropical diseases, to maintain a central database of laboratory-confirmed cases of emerging and neglected tropical diseases, and to use the information in the database to investigate the incidence, prevalence, and trends of emerging and neglected tropical diseases. The bill defines "emerging disease" as a disease that is appearing in a specific population for the first time or that is increasing in incidence or geographic range and "neglected tropical disease" as a parasitic or bacterial disease that occurs solely or principally in the tropics, is largely endemic in the developing world, and has a potential to spread through international travel or trade.

C.S.H.B. 2055 requires the executive commissioner, in establishing the program, to consider the location of health facilities that collect locally emerging and neglected tropical disease information and the use, privacy, and security of existing data collected by health facilities. The

bill requires the executive commissioner to adopt rules to govern the operation of the program and to carry out the intent of the bill's provisions, including rules that specify a system for selecting the demographic areas in which DSHS collects information and that identify the specific emerging and neglected tropical diseases that are included in the sentinel surveillance program and the manner in which diseases will be added to the program as necessary to reflect changing conditions.

C.S.H.B. 2055 authorizes the executive commissioner, to ensure an accurate source of data, to require a health facility or health professional to make available for review by DSHS or by an authorized agent medical records or other information in the facility's or professional's custody or control that relates to an occurrence of an emerging or neglected tropical disease. The bill requires the executive commissioner by rule to prescribe the manner in which the information is reported and requires DSHS to reimburse a health facility or professional for the actual costs incurred in making the information available to DSHS. The bill authorizes the information collected and analyzed by DSHS to be placed in a central database to facilitate information sharing and provider education. The bill authorizes DSHS to use the database to design and evaluate measures to prevent the occurrence of emerging and neglected tropical diseases and other health conditions and to provide information and education to providers on the incidence of emerging and neglected tropical diseases. The bill requires DSHS to make available to health facilities and health professionals educational and informational materials concerning emerging and neglected tropical diseases and information on the importance of monitoring and surveilling emerging and neglected tropical diseases.

C.S.H.B. 2055 provides for the confidentiality of reports, records, and information furnished to a DSHS employee or to an authorized agent of DSHS that relate to cases or suspected cases of a health condition, except as specifically authorized by the bill's provisions, limits use of such information to the purposes of the program, and prohibits such information in DSHS possession from being released or made public on subpoena or otherwise except as provided. The bill requires DSHS to release medical, epidemiological, or toxicological information to medical personnel, appropriate state agencies, health authorities, regional directors, and public officers of counties and municipalities as necessary to comply with the bill's provisions and rules relating to the identification, monitoring, and referral of individuals infected with an emerging or neglected tropical disease or to appropriate federal agencies. The bill authorizes DSHS to release medical, epidemiological, or toxicological information for statistical purposes, if released in a manner that prevents the identification of any person.

C.S.H.B. 2055 exempts a health professional, a health facility, or an administrator, officer, or employee of a health facility subject to the bill's provisions from civil or criminal liability for divulging information required to be released by the bill's provisions, except in a case of gross negligence or wilful misconduct. The bill requires another state board, commission, agency, or governmental entity capable of assisting DSHS in carrying out the intent of the bill to cooperate with DSHS and to furnish expertise, services, and facilities to the program. The bill requires the executive commissioner, not later than November 1, 2015, to adopt rules as required by the bill's provisions.

#### **EFFECTIVE DATE**

September 1, 2015.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2055 differs from the original in minor or nonsubstantive ways to conform to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.