

By: Davis of Harris

H.B. No. 2055

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a sentinel surveillance program for emerging and neglected tropical diseases.

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

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 100 to read as follows:

CHAPTER 100. EMERGING AND NEGLECTED TROPICAL DISEASES

Sec. 100.001. DEFINITIONS. In this chapter:

(1) "Emerging disease" means a disease that is appearing in a specific population for the first time or that is increasing in incidence or geographic range.

(2) "Health facility" includes:

(A) a general or special hospital licensed by the department under Chapter 241;

(B) a physician-owned or physician-operated clinic;

(C) a publicly or privately funded medical school;

(D) a state hospital or state school maintained and managed by the department or the Department of Aging and Disability Services;

(E) a public health clinic conducted by a local health unit, health department, or public health district organized and recognized under Chapter 121; and

1                   (F) another facility specified by a rule adopted  
2 by the executive commissioner.

3                   (3) "Local health unit" has the meaning assigned by  
4 Section 121.004.

5                   (4) "Neglected tropical disease" means a parasitic or  
6 bacterial disease that:

7                   (A) occurs solely or principally in the tropics;

8                   (B) is largely endemic in the developing world;

9 and

10                   (C) has a potential to spread through  
11 international travel or trade.

12                   Sec. 100.002. CONFIDENTIALITY. (a) Except as specifically  
13 authorized by this chapter, reports, records, and information  
14 furnished to a department employee or to an authorized agent of the  
15 department that relate to cases or suspected cases of a health  
16 condition are confidential and may be used only for the purposes of  
17 this chapter.

18                   (b) Reports, records, and information relating to cases or  
19 suspected cases of health conditions in the possession of the  
20 department under this chapter are not public information under  
21 Chapter 552, Government Code, and may not be released or made public  
22 on subpoena or otherwise except as provided by this chapter.

23                   (c) The department shall release medical, epidemiological,  
24 or toxicological information:

25                   (1) to medical personnel, appropriate state agencies,  
26 health authorities, regional directors, and public officers of  
27 counties and municipalities as necessary to comply with this

1 chapter and rules relating to the identification, monitoring, and  
2 referral of individuals infected with an emerging or neglected  
3 tropical disease; or

4 (2) to appropriate federal agencies, such as the  
5 Centers for Disease Control and Prevention of the United States  
6 Public Health Service.

7 (d) The department may release medical, epidemiological, or  
8 toxicological information for statistical purposes, if released in  
9 a manner that prevents the identification of any person.

10 Sec. 100.003. LIMITATION OF LIABILITY. A health  
11 professional, a health facility, or an administrator, officer, or  
12 employee of a health facility subject to this chapter is not civilly  
13 or criminally liable for divulging information required to be  
14 released under this chapter, except in a case of gross negligence or  
15 wilful misconduct.

16 Sec. 100.004. COOPERATION OF GOVERNMENTAL ENTITIES.  
17 Another state board, commission, agency, or governmental entity  
18 capable of assisting the department in carrying out the intent of  
19 this chapter shall cooperate with the department and furnish  
20 expertise, services, and facilities to the program.

21 Sec. 100.005. SENTINEL SURVEILLANCE PROGRAM. (a) The  
22 executive commissioner shall establish in the department a program  
23 to:

24 (1) identify by sentinel surveillance individuals  
25 infected with emerging or neglected tropical diseases;

26 (2) maintain a central database of  
27 laboratory-confirmed cases of emerging and neglected tropical

1 diseases; and

2 (3) use the information in the database to investigate  
3 the incidence, prevalence, and trends of emerging and neglected  
4 tropical diseases.

5 (b) In establishing the sentinel surveillance program for  
6 emerging and neglected tropical diseases, the executive  
7 commissioner shall consider:

8 (1) the location of health facilities that collect  
9 locally emerging and neglected tropical disease information; and

10 (2) the use, privacy, and security of existing data  
11 collected by health facilities.

12 (c) The executive commissioner shall adopt rules to govern  
13 the operation of the program and carry out the intent of this  
14 chapter, including rules that:

15 (1) specify a system for selecting the demographic  
16 areas in which the department collects information; and

17 (2) identify the specific emerging and neglected  
18 tropical diseases that are included in the sentinel surveillance  
19 program and the manner in which diseases will be added to the  
20 program as necessary to reflect changing conditions.

21 Sec. 100.006. DATA COLLECTION. (a) To ensure an accurate  
22 source of data, the executive commissioner may require a health  
23 facility or health professional to make available for review by the  
24 department or by an authorized agent medical records or other  
25 information in the facility's or professional's custody or control  
26 that relates to an occurrence of an emerging or neglected tropical  
27 disease.

1       (b) The department shall reimburse a health facility or  
2 health professional for the actual costs incurred by the facility  
3 or professional in making copies of medical records or other  
4 information available to the department.

5       (c) The executive commissioner by rule shall prescribe the  
6 manner in which information is reported to the department.

7       Sec. 100.007. DATABASE. (a) Information collected and  
8 analyzed by the department or an authorized agent under this  
9 chapter may be placed in a central database to facilitate  
10 information sharing and provider education.

11       (b) The department may use the database to:

12               (1) design and evaluate measures to prevent the  
13 occurrence of emerging and neglected tropical diseases and other  
14 health conditions; and

15               (2) provide information and education to providers on  
16 the incidence of emerging and neglected tropical diseases.

17       Sec. 100.008. EDUCATIONAL AND INFORMATIONAL MATERIALS. The  
18 department shall make available to health facilities and health  
19 professionals:

20               (1) educational and informational materials  
21 concerning emerging and neglected tropical diseases; and

22               (2) information on the importance of monitoring and  
23 surveilling emerging and neglected tropical diseases.

24       SECTION 2. Not later than November 1, 2015, the executive  
25 commissioner of the Health and Human Services Commission shall  
26 adopt rules as required by Section 100.005, Health and Safety Code,  
27 as added by this Act.

1 SECTION 3. This Act takes effect September 1, 2015.