

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) "Department" means the Department of State Health Services.

(2) "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.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(4) "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

1 Disability Services;

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

5 (F) another facility specified by a rule adopted
6 by the executive commissioner.

7 (5) "Local health unit" has the meaning assigned by
8 Section 121.004.

9 (6) "Neglected tropical disease" means a parasitic or
10 bacterial disease that:

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

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

13 and

14 (C) has a potential to spread through
15 international travel or trade.

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

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

27 (c) The department shall release medical, epidemiological,

1 or toxicological information:

2 (1) to medical personnel, appropriate state agencies,
3 health authorities, regional directors, and public officers of
4 counties and municipalities as necessary to comply with this
5 chapter and rules relating to the identification, monitoring, and
6 referral of individuals infected with an emerging or neglected
7 tropical disease; or

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

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

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

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

25 Sec. 100.005. SENTINEL SURVEILLANCE PROGRAM. (a) The
26 executive commissioner shall establish in the department a program
27 to:

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

3 (2) maintain a central database of
4 laboratory-confirmed cases of emerging and neglected tropical
5 diseases; and

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

9 (b) In establishing the sentinel surveillance program for
10 emerging and neglected tropical diseases, the executive
11 commissioner shall consider:

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

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

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

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

21 (2) identify the specific emerging and neglected
22 tropical diseases that are included in the sentinel surveillance
23 program and the manner in which diseases will be added to the
24 program as necessary to reflect changing conditions.

25 Sec. 100.006. DATA COLLECTION. (a) To ensure an accurate
26 source of data, the executive commissioner may require a health
27 facility or health professional to make available for review by the

1 department or by an authorized agent medical records or other
2 information in the facility's or professional's custody or control
3 that relates to an occurrence of an emerging or neglected tropical
4 disease.

5 (b) The department shall reimburse a health facility or
6 health professional for the actual costs incurred by the facility
7 or professional in making copies of medical records or other
8 information available to the department.

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

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

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

16 (1) design and evaluate measures to prevent the
17 occurrence of emerging and neglected tropical diseases and other
18 health conditions; and

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

21 Sec. 100.008. EDUCATIONAL AND INFORMATIONAL MATERIALS. The
22 department shall make available to health facilities and health
23 professionals:

24 (1) educational and informational materials
25 concerning emerging and neglected tropical diseases; and

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

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

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