

BILL ANALYSIS

C.S.H.B. 3711
By: Bucy
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During Winter Storm Uri, many Texans who are medically fragile or dependent on electrically powered medical equipment or regular medical treatment suffered hardship and even death as a result of prolonged power outages and lack of access to resources and care. It has been suggested that one way to help prevent such problems is to ensure that law enforcement, emergency response personnel, disaster management, and any relevant state or local governmental agencies know which individuals in their community may be especially vulnerable in a time of crisis and to put in place policies and procedures that will help ensure continuity of care and access to electrically powered medical devices for these individuals. C.S.H.B. 3711 requires the Texas Division of Emergency Management to develop a process for designating individuals who are included in the emergency assistance registry as medically fragile and to ensure that wellness checks are conducted on such individuals during certain emergency events.

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 Texas Division of Emergency Management in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3711 amends the Government Code to require the Texas Division of Emergency Management (TDEM) to develop a process for designating individuals who are included in the emergency assistance registry as medically fragile for the purposes of the Texas Disaster Act of 1975. The bill defines, among other terms, "medically fragile individual" as any individual who, during a time of disaster or emergency, would be particularly vulnerable because of a medical condition, including individuals with Alzheimer's disease and other related disorders, receiving dialysis services, who are diagnosed with a debilitating chronic illness, who are dependent on oxygen treatment, and who have medical conditions that require 24-hour supervision from a skilled nurse.

C.S.H.B. 3711 requires TDEM to authorize the following persons to access the emergency assistance registry to assist medically fragile individuals during certain events:

- the Health and Human Services Commission (HHSC);
- the Department of State Health Services (DSHS);
- first responders;
- local governments; and
- local health departments.

The bill requires TDEM to collaborate with those persons and with applicable municipalities and counties to ensure that a wellness check is conducted on each medically fragile individual listed in the emergency assistance registry and located in an area that experiences an applicable event to ensure the individual has continuity of care and the ability to continue using electrically powered medical equipment, if applicable.

C.S.H.B. 3711 requires TDEM, in collaboration with HHSC and DSHS, to adopt rules regarding which events require a wellness check, including an extended power, water, or gas outage, a state of disaster declared under the Texas Disaster Act of 1975, or any other event considered necessary by TDEM, HHSC, or DSHS. Only one wellness check is required to be conducted if more than one disaster is declared for the same event, or the same event qualifies as an event requiring a wellness check for multiple reasons.

C.S.H.B. 3711 requires TDEM, by rule and in collaboration with HHSC and DSHS, to develop minimum standards for conducting wellness checks. The bill requires each county and municipality to adopt procedures for conducting wellness checks in compliance with the minimum standards. The bill requires a wellness check on a medically fragile individual to satisfy the following criteria:

- include an automated telephone call and text to the individual, a personalized telephone call to the individual, and, if the individual is unresponsive to a telephone call, an in-person wellness check;
- be conducted in accordance with the minimum standards prescribed by TDEM rule and the procedures of the applicable county or municipality; and
- be conducted as soon as practicable but not later than 24 hours after the event requiring a wellness check occurs.

C.S.H.B. 3711 requires TDEM, in collaboration with HHSC and DSHS, to adopt rules to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3711 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original and substitute both establish procedures for conducting wellness checks of medically fragile individuals during certain emergencies. However, the original required HHSC to establish a new registry of medically fragile individuals and to collaborate with specified entities to ensure wellness checks are conducted on individuals listed in that registry during an applicable event, whereas the substitute requires TDEM to develop a process for designating individuals who are included in the existing emergency assistance registry as medically fragile and to collaborate with the specified entities to ensure wellness checks are conducted on those designated individuals during an applicable event.

The original required the executive commissioner of HHSC to adopt rules to implement the wellness check program, including rules regarding which events require a wellness check and minimum standards for conducting the wellness checks, whereas the substitute requires TDEM to do so in collaboration with HHSC and DSHS.

The original required the executive commissioner of HHSC to adopt rules regarding the persons authorized to access the registry established under the original's provisions and listed certain

persons who must have access, whereas the substitute requires TDEM to authorize the listed persons to access the emergency assistance registry.

The substitute makes a specification not included in the original that if the same event qualifies as an event requiring a wellness check for multiple reasons, only one wellness check is required to be conducted.