87R12720 TYPED

By:  Paxton, et al. S.B. No. 1484

A BILL TO BE ENTITLED

AN ACT

relating to certain Department of State Health Services procurements for communicable disease data collection and investigations.

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

SECTION 1.  Section 81.005, Health and Safety Code, is amended to read as follows:

Sec. 81.005.  CONTRACTS. Subject to Section 81.0055, the [~~The~~] department may enter into contracts or agreements with persons as necessary to implement this chapter. The contracts or agreements may provide for payment by the state for materials, equipment, and services.

SECTION 2.  Subchapter A, Chapter 81, Health and Safety Code, is amended by adding Section 81.0055 to read as follows:

Sec. 81.0055.  REQUIREMENTS FOR CERTAIN DATA COLLECTION PROCUREMENTS. (a) This section applies only to a procurement or the extension of an existing contract in which a private vendor assists the department in case investigations and epidemiological studies by collecting an individual's private or confidential data protected under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) through individual contact tracing, including contact tracing conducted by a call center.

(b)  The department must submit a written request to the Legislative Budget Board for approval of a procurement described by Subsection (a) before requesting a bid, proposal, or comparable solicitation for the proposed procurement. The department must provide to board personnel and each member of the Legislative Budget Board information on the proposed procurement, including:

(1)  the purpose of the procurement;

(2)  the need addressed by the procurement;

(3)  a statement of any service to be performed under the procurement;

(4)  the proposed cost of the procurement;

(5)  the data use and privacy agreement to which the department and private vendor will adhere for the duration of the investigation or study; and

(6)  any other information required by the board.

(c)  Not later than the seventh day after the date the Legislative Budget Board receives the request and required information from the department, board personnel shall:

(1)  determine whether the proposed procurement satisfies the minimum requirements established by this section; and

(2)  issue written notice that the board approves the request for the proposed procurement required under Subdivision (1).

(d)  The legislative budget board shall include the written notice in Subsection (c)(2) in the contract database maintained by the legislative budget board.

(e)  A vendor selected for a contract under this section:

(1)  is subject to Chapter 181, Health and Safety Code, including being subject to enforcement action;

(2)  shall not provide or sell access to any protected health information data collected; and

(3)  shall destroy all protected health information collected upon the expiration of the contract.

SECTION 3.  (a)  As soon as practical after the effective date of this Act, the Legislative Budget Board shall adopt any rules and procedures necessary to implement the changes in law made by this Act.

(b)  Not later than December 1, 2022, the state auditor shall audit each contract the Department of State Health Services entered into for the conduct of individual contact tracing during the disaster declared by the governor on March 13, 2020, or during an extension of that declared disaster.

SECTION 4.  (a)  The legislature finds that any state contract executed during, or during an extension of, the disaster declared by the governor on March 13, 2020, by the Department of State Health Services authorizing a person or entity to perform individual contact tracing is no longer necessary to address public health concerns. It is the intent of the legislature that the department cancel any contract described by this subsection.

(b)  The Department of State Health Services may not use any money appropriated by this state to the department for state fiscal years 2022 and 2023 to pay for a contract described by Subsection (a) of this section.

SECTION 5.  This Act takes effect September 1, 2021.