

By: Middleton, Rose

H.B. No. 3306

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of certain information regarding the occurrence of communicable diseases in residential facilities.

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

SECTION 1. Section 81.046(b), Health and Safety Code, is amended to read as follows:

(b) Except as provided by Section 181.060, reports ~~[Reports]~~, records, and information relating to cases or suspected cases of diseases or health conditions are not public information under Chapter 552, Government Code, and may not be released or made public on subpoena or otherwise except as provided by Subsections (c), (c-1), (d), and (f) or Section 181.060.

SECTION 2. Subchapter B, Chapter 181, Health and Safety Code, is amended by adding Section 181.060 to read as follows:

Sec. 181.060. INFORMATION REGARDING COMMUNICABLE DISEASES IN CERTAIN FACILITIES. (a) In this section:

(1) "Communicable disease" has the meaning assigned by Section 81.003.

(2) "Facility" means:

(A) a nursing facility licensed under Chapter 242;

(B) a continuing care facility licensed under Chapter 246; and

(C) an assisted living facility licensed under

1 Chapter 247.

2 (3) "Resident" means an individual, including a  
3 patient, who resides in a facility.

4 (b) In this chapter, protected health information does not  
5 include information that identifies:

6 (1) the name or location of a facility in which  
7 residents have been diagnosed with a communicable disease; or

8 (2) the number of residents who have been diagnosed  
9 with a communicable disease in a facility.

10 (c) Unless made confidential under other law, the  
11 information described by Subsection (b) is not confidential and is  
12 subject to disclosure under Chapter 552, Government Code.

13 SECTION 3. This Act takes effect September 1, 2021.