

By: Kolkhorst

S.B. No. 969

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reporting procedures for and information concerning
3 public health disasters and to certain public health studies;
4 providing a civil penalty.

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

6 SECTION 1. Subchapter A, Chapter 81, Health and Safety
7 Code, is amended by adding Section 81.016 to read as follows:

8 Sec. 81.016. AVAILABILITY OF DATA REGARDING PUBLIC HEALTH
9 DISASTER. During a public health disaster, the department shall
10 timely make available to the public on the department's Internet
11 website, in an easy-to-read format, all available de-identified
12 public health data regarding the public health disaster. The
13 department must present data related to individuals as summary
14 statistics consistent with the confidentiality provisions of
15 Sections 81.046, 161.0073, and 161.008.

16 SECTION 2. Section 81.044(a), Health and Safety Code, is
17 amended to read as follows:

18 (a) The executive commissioner shall prescribe the form and
19 method of reporting under this chapter [~~which may be in writing, by~~
20 ~~telephone,~~] by electronic data transmission, through a health
21 information exchange as defined by Section 182.151 if requested and
22 authorized by the person required to report, or by other means.

23 SECTION 3. Subchapter C, Chapter 81, Health and Safety
24 Code, is amended by adding Sections 81.0443, 81.0444, 81.0445,

1 81.0495, and 81.053 to read as follows:

2 Sec. 81.0443. STANDARDIZED INFORMATION SHARING METHOD. The
3 department shall collaborate with local health authorities,
4 hospitals, laboratories, and other persons who submit information
5 to the department during a public health disaster or in response to
6 other outbreaks of communicable disease to plan, design, and
7 implement a standardized and streamlined method for sharing
8 information needed during the disaster or response. The department
9 may require a person submitting information to the department under
10 this subchapter to use the method developed under this section.

11 Sec. 81.0444. HOSPITAL TO REPORT. A hospital shall report
12 to the department and to the applicable trauma service area
13 regional advisory council all information required by the
14 department related to a reportable disease for which a public
15 health disaster is declared.

16 Sec. 81.0445. PROVISION OF INFORMATION TO PUBLIC DURING
17 PUBLIC HEALTH DISASTER. (a) This section applies only to
18 information related to a reportable disease for which a public
19 health disaster is declared.

20 (b) The department and each trauma service area regional
21 advisory council shall make publicly available in accordance with
22 Subsection (c) the information a hospital is required to report to
23 the department and regional advisory council under Section 81.0444.
24 The department and each regional advisory council shall ensure that
25 information released under this subsection does not contain any
26 personally identifiable information.

27 (c) The department shall collaborate and coordinate with

1 local health departments to ensure that all information covering a
2 reporting period is released to the public in a timely manner.

3 (d) The department shall develop and publish on its Internet
4 website monthly compliance reports for laboratories reporting
5 during a public health disaster. Each compliance report, at a
6 minimum, must include:

7 (1) the number of laboratory reports the department
8 receives by electronic data transmission;

9 (2) the number of incomplete information fields in the
10 laboratory reports;

11 (3) the electronic format each laboratory used in
12 submitting information;

13 (4) the number of coding errors in the laboratory
14 reports; and

15 (5) the average length of time from the date the
16 specimen is collected to the date the department receives the
17 corresponding laboratory report.

18 (e) The department shall develop and publish on its Internet
19 website monthly compliance reports for hospitals reporting during a
20 public health disaster. Each compliance report, at a minimum, must
21 include:

22 (1) the number of incomplete information fields in the
23 hospital reports;

24 (2) the number of reports a hospital failed to submit
25 in a timely manner; and

26 (3) the number of identified inaccuracies in the
27 information submitted.

1 Sec. 81.0495. FAILURE TO REPORT; CIVIL PENALTY. (a) The
2 department may impose a civil penalty of not more than \$1,000 on a
3 health care facility for each failure to submit a report required
4 under this subchapter.

5 (b) The attorney general may bring an action to recover a
6 civil penalty imposed under Subsection (a).

7 Sec. 81.053. DATA QUALITY ASSURANCE. The department shall
8 implement quality assurance procedures to ensure that data
9 collected and reported for a public health disaster is
10 systematically reviewed for errors and completeness. The
11 department shall implement procedures to timely resolve any
12 deficiencies in data collection and reporting.

13 SECTION 4. (a) The Department of State Health Services
14 shall evaluate the planning and response capabilities of the state
15 health care system, including hospitals, long-term care
16 facilities, and laboratories, to respond to public health threats.
17 The department shall coordinate its evaluation with the Health and
18 Human Services Commission, regional advisory councils, local
19 health departments, and health care system organizations. The
20 department shall submit to the legislature an implementation plan
21 based on the findings of its evaluation not later than December 1,
22 2021.

23 (b) The Department of State Health Services shall evaluate
24 the current scope, size, function, and public health response
25 capabilities of public health regions and regional offices. The
26 department shall identify current capabilities, assess the need for
27 geographic realignment, and identify ways to improve support to

1 local health departments and areas in which the department serves
2 as the primary public health provider. The department shall
3 coordinate its evaluation with local health departments, areas
4 served by department regional offices, and the Public Health
5 Funding and Policy Committee. The department shall provide a
6 report based on its evaluation to the legislature not later than
7 December 1, 2021.

8 (c) The Department of State Health Services shall improve
9 standardized data collection and reporting by the department,
10 laboratories, health care facilities, local health departments,
11 and other entities as appropriate during a declared public health
12 disaster. The department shall identify current processes for and
13 barriers to standardized, regular, and consistent reporting and
14 shall collaborate on best practices to ensure that data collection
15 and reporting are consistent across state, regional, and local
16 levels. The department shall coordinate its analysis with local
17 health departments, laboratories, health care facilities, and the
18 Public Health Funding and Policy Committee. The department shall
19 implement best practices and report its findings to the legislature
20 not later than December 1, 2021.

21 SECTION 5. As soon as practicable after the effective date
22 of this Act, the executive commissioner of the Health and Human
23 Services Commission shall adopt rules necessary to implement this
24 Act.

25 SECTION 6. Section [81.044\(a\)](#), Health and Safety Code, as
26 amended by this Act, applies only to a report submitted on or after
27 January 1, 2023.

1 SECTION 7. (a) The Department of State Health Services is
2 required to implement this Act only if the legislature appropriates
3 money specifically for that purpose. If the legislature does not
4 appropriate money specifically for that purpose, the department
5 may, but is not required to, implement this Act using other
6 appropriations available for that purpose.

7 (b) The Department of State Health Services shall use any
8 available federal money to implement this Act.

9 SECTION 8. This Act takes effect September 1, 2021.