

By: Kolkhorst

S.B. No. 969

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reporting procedures for and information concerning
3 public health disasters and to certain public health studies;
4 creating the office of the chief state epidemiologist; providing a
5 civil penalty.

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

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

9 Sec. 81.016. AVAILABILITY OF DATA REGARDING PUBLIC HEALTH
10 DISASTER. During a public health disaster, the department shall
11 timely make available to the public on the department's Internet
12 website, in an easy-to-read format, all available de-identified
13 public health data regarding the public health disaster.

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

16 (a) The executive commissioner shall prescribe the form and
17 method of reporting under this chapter, which may be in writing, by
18 telephone, by electronic data transmission, through a health
19 information exchange as defined by Section 182.151 if requested and
20 authorized by the person required to report, or by other means. The
21 executive commissioner by rule shall require a person reporting at
22 least 30 cases of a reportable disease in a month, excluding
23 point-of-care testing, to submit a report required under this
24 subchapter by electronic data transmission in the form prescribed

1 by rule.

2 SECTION 3. Subchapter C, Chapter 81, Health and Safety
3 Code, is amended by adding Sections 81.0443, 81.0444, 81.0445,
4 81.0495, and 81.053 to read as follows:

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

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

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

23 (b) The department and each trauma service area regional
24 advisory council shall make publicly available in accordance with
25 Subsection (c) the information a hospital is required to report to
26 the department and regional advisory council under Section 81.0444.
27 The department and each regional advisory council shall ensure that

1 information released under this subsection does not contain any
2 personally identifiable information.

3 (c) The department shall collaborate and coordinate with
4 local health departments to ensure that all information covering
5 the same reporting period is released simultaneously to the public.

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

10 (1) the number of laboratory reports the department
11 receives by electronic data transmission;

12 (2) the number of incomplete information fields in the
13 laboratory reports;

14 (3) the electronic format each laboratory used in
15 submitting information;

16 (4) the number of coding errors in the laboratory
17 reports; and

18 (5) the average length of time from the date the
19 specimen is collected to the date the department receives the
20 corresponding laboratory report.

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

25 (1) the number of incomplete information fields in the
26 hospital reports;

27 (2) the number of reports a hospital failed to submit

1 in a timely manner; and

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

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

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

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

16 SECTION 4. Subchapter C, Chapter 1001, Health and Safety
17 Code, is amended by adding Section 1001.0511 to read as follows:

18 Sec. 1001.0511. OFFICE OF CHIEF STATE EPIDEMIOLOGIST. (a)
19 In this section, "office" means the office of the chief state
20 epidemiologist.

21 (b) The commissioner shall:

22 (1) establish the office of the chief state
23 epidemiologist within the department to inform public health
24 activities and public health policy in Texas by:

25 (A) evaluating epidemiological, medical, and
26 health care data; and

27 (B) identifying pertinent research and

1 evidence-based best practices; and

2 (2) appoint a board-certified physician licensed to
3 practice medicine in this state as the chief state epidemiologist
4 to administer the office.

5 (c) The chief state epidemiologist must have experience in
6 public health and an advanced degree in public health,
7 epidemiology, or a related field.

8 (d) The chief state epidemiologist:

9 (1) serves as the department expert on epidemiological
10 matters and on communicable and noncommunicable diseases;

11 (2) may provide professional and scientific
12 consultation to state facilities, health service regions, local
13 health agencies, and other entities regarding epidemiology and
14 disease control, harmful exposure, and injury prevention;

15 (3) shall serve as the department's senior science
16 representative and primary point of contact to the Centers
17 for Disease Control and Prevention and other federal agencies for
18 epidemiological science and disease surveillance; and

19 (4) notwithstanding any other law, may access data
20 from across the department to carry out the duties of the office.

21 (e) Reports, records, and information provided to the
22 office that relate to an epidemiological or toxicological
23 investigation of human illnesses or conditions and of environmental
24 exposures that are harmful or believed to be harmful to the public
25 health are not public information under Chapter 552, Government
26 Code. They may not be released or made public, on subpoena or
27 otherwise, except for statistical purposes and if released in a

1 manner that prevents the identification of any person.

2 SECTION 5. (a) The Department of State Health Services
3 shall evaluate the planning and response capabilities of the state
4 health care system, including hospitals, long-term care
5 facilities, and laboratories, to respond to public health threats.
6 The department shall coordinate its evaluation with the Health and
7 Human Services Commission, regional advisory councils, local
8 health departments, and health care system organizations. The
9 department shall submit to the legislature an implementation plan
10 based on the findings of its evaluation not later than December 1,
11 2021.

12 (b) The Department of State Health Services shall evaluate
13 the current scope, size, function, and public health response
14 capabilities of public health regions and regional offices. The
15 department shall identify current capabilities, assess the need for
16 geographic realignment, and identify ways to improve support to
17 local health departments and areas in which the department serves
18 as the primary public health provider. The department shall
19 coordinate its evaluation with local health departments, areas
20 served by department regional offices, and the Public Health
21 Funding and Policy Committee. The department shall provide a
22 report based on its evaluation to the legislature not later than
23 December 1, 2021.

24 (c) The Department of State Health Services shall improve
25 standardized data collection and reporting by the department,
26 laboratories, health care facilities, local health entities, and
27 other entities as appropriate during a declared public health

1 disaster. The department shall identify current processes for and
2 barriers to standardized, regular, and consistent reporting and
3 shall collaborate on best practices to ensure that data collection
4 and reporting are consistent across state, regional, and local
5 levels. The department shall coordinate its analysis with local
6 health entities, laboratories, health care facilities, and the
7 Public Health Funding and Policy Committee. The department shall
8 implement best practices and report its findings to the legislature
9 not later than December 1, 2021.

10 SECTION 6. As soon as practicable after the effective date
11 of this Act, the executive commissioner of the Health and Human
12 Services Commission shall adopt rules necessary to implement this
13 Act.

14 SECTION 7. Section [81.044\(a\)](#), Health and Safety Code, as
15 amended by this Act, applies only to a report submitted on or after
16 January 1, 2022.

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