

PUBLIC COMMENTS

HB 3306

HOUSE COMMITTEE ON HUMAN SERVICES

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Hearing Date: April 6, 2021 8:00 AM

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Linda Pavlik

League of Women Voters of Texas

Fort Worth, TX

The League of Women Voters of Texas believes residential facilities cannot deal with healthcare issues in isolation. To be categorically restricted under the broad shield of medical privacy fails to allow for the dissemination of information about communicable diseases that is essential for the well-being of the families and caregivers of elder residents, as well as residents themselves. Owners and operators of senior care facilities must be allowed to operate with good sense and compassion for all. For this basic reason, the League of Women Voters of Texas supports immediate passage of HB 3306.

Donnis Baggett

Texas Press Association

Bryan, TX

The Texas Press Association strongly supports this bill, which makes it crystal clear that the public has a right to know the number of cases of a communicable disease in a given nursing home or assisted living facility. I also strongly support it as an individual citizen. I am the primary caregiver for an aging mother, so it's my responsibility to decide where she lives. Throughout the COVID-19 pandemic, her nursing home and others withheld this crucial information from families. We were kept in the dark as to whether we should move our loved ones or not. We were not seeking identities of individuals, so there was no HIPPA issue. We only wanted to know how prevalent the disease was in our loved ones' nursing home and others so we could make informed decisions. This bill codifies what the attorney general's office eventually ruled — the information should have been made public by state and local authorities all along. For the good of all Texans in these facilities, for the good of their families and for the good of the people who report on this important issue, please give this bill your strongest support.

James Hemphill

Self (attorney) and Freedom of Information Foundation of Texas (board member)

Austin, TX

This comment is in favor of the bill. It clarifies that information identifying care facilities at which residents have been diagnosed with communicable diseases, and the number of residents so identified, is not "protected health information" (PHI) under state or federal law and thus is not exempt from public disclosure as PHI. It is important to note that this does not change or affect the definition of PHI at all, because the information addressed by the bill does not identify the health information of any identifiable person. Rather, it clarifies that non-personal information regarding the existence and extent of communicable disease infection at care facilities is in fact available to the public, so that members of the public - including those with family or loved ones in care facilities - can be informed of potential health hazards that might exist. The need for this legislation was shown during the coronavirus pandemic, when some facilities resisted disclosure of non-personal information regarding the existence and extend of coronavirus cases at the facilities. While information regarding the health status of identifiable persons is appropriately confidential - and would remain so if this bill becomes law - the public has a keen interest in the type of information that this bill clarifies as non-personal information. While we believe it clear that the information covered by this bill is not in fact PHI, some facilities have taken an opposing view, so clarification is warranted and needed to allow the free flow of important information to the public. On behalf of myself, as well as the Freedom of Information Foundation of Texas (on whose Board of Directors I serve), I urge the Committee to approve the bill. Thank you for your time and attention.

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Jay Blint

Self

Holly Lake Ranch, TX

Chapter 247 sections 3b and 3c are the key to this bill. Abuse of Covid 19 records demonstrate why this change is needed for this epidemic and those that may be coming.

Kelley Shannon

Freedom of Information Foundation of Texas

Austin, TX

The Freedom of Information Foundation of Texas supports this legislation, which will give nursing home and assisted living residents and their loved ones, as well as the public, the ability to know about outbreaks of COVID-19 and other communicable diseases in these group homes. The legislation does not require release of any personal patient information - only the identification and location of the home and number of cases at the facility. It's a no-nonsense bill to help inform the public so we can all better deal with coronavirus and future epidemics and pandemics.

Mary Nichols

Texas Caregivers for Compromise

Forney, TX

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