

1-1 By: Uresti S.B. No. 1574
1-2 (In the Senate - Filed March 12, 2015; March 23, 2015, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 16, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 16, 2015,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Schwertner	X		
1-10	Kolkhorst	X		
1-11	Campbell	X		
1-12	Estes	X		
1-13	Perry	X		
1-14	Rodríguez	X		
1-15	Taylor of Collin	X		
1-16	Uresti	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1574 By: Uresti

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to emergency response employees or volunteers and others
1-22 exposed or potentially exposed to certain diseases or parasites.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Article 18.22(a), Code of Criminal Procedure, is
1-25 amended to read as follows:

1-26 (a) A person who is arrested for a misdemeanor or felony and
1-27 who during the commission of that offense or an arrest following the
1-28 commission of that offense causes an emergency response employee or
1-29 volunteer, as defined by Section 81.003, Health and Safety Code, ~~[a~~
1-30 ~~peace officer]~~ to come into contact with the person's bodily fluids
1-31 shall, at the direction of the court having jurisdiction over the
1-32 arrested person, undergo a medical procedure or test designed to
1-33 show or help show whether the person has a communicable disease.
1-34 The court may direct the person to undergo the procedure or test on
1-35 its own motion or on the request of the emergency response employee
1-36 or volunteer ~~[peace officer]~~. If the person refuses to submit
1-37 voluntarily to the procedure or test, the court shall require the
1-38 person to submit to the procedure or test. Notwithstanding any
1-39 other law, the person performing the procedure or test shall make
1-40 the test results available to the local health authority and the
1-41 designated infection control officer of the entity that employs or
1-42 uses the services of the affected emergency response employee or
1-43 volunteer, and the local health authority or the designated
1-44 infection control officer of the affected employee or volunteer
1-45 shall notify the emergency response employee or volunteer ~~[peace~~
1-46 ~~officer]~~ of the test result. The state may not use the fact that a
1-47 medical procedure or test was performed on a person under this
1-48 article, or use the results of the procedure or test, in any
1-49 criminal proceeding arising out of the alleged offense.

1-50 SECTION 2. Section 607.102, Government Code, is amended to
1-51 read as follows:

1-52 Sec. 607.102. NOTIFICATION. An ~~[A firefighter or]~~
1-53 emergency response employee or volunteer, as defined by Section
1-54 81.003, Health and Safety Code, ~~[medical technician]~~ who is exposed
1-55 to methicillin-resistant Staphylococcus aureus or a disease caused
1-56 by a select agent or toxin identified or listed under 42 C.F.R.
1-57 Section 73.3 is entitled to receive notification of the exposure in
1-58 the manner prescribed by Section 81.048, Health and Safety Code.

1-59 SECTION 3. Section 81.003, Health and Safety Code, is
1-60 amended by adding Subdivisions (1-a) and (1-b) and amending

Subdivision (8) to read as follows:

(1-a) "Emergency response employee or volunteer" means an individual acting in the course and scope of employment or service as a volunteer as emergency medical service personnel, a peace officer, a detention officer, a county jailer, or a fire fighter.

(1-b) "Designated infection control officer" means the person serving as an entity's designated infection control officer under Section 81.012.

(8) "Reportable disease" means a ~~[includes only a]~~ disease that is designated as ~~[or condition included in the list of]~~ reportable under Section 81.048 ~~[diseases]~~.

SECTION 4. Subchapter A, Chapter 81, Health and Safety Code, is amended by adding Sections 81.012 and 81.013 to read as follows:

Sec. 81.012. DESIGNATED INFECTION CONTROL OFFICER. (a) An entity that employs or uses the services of an emergency response employee or volunteer shall nominate a designated infection control officer and an alternate designated infection control officer to:

(1) receive notification of a potential exposure to a reportable disease from a health care facility;

(2) notify the appropriate health care providers of a potential exposure to a reportable disease;

(3) act as a liaison between the entity's emergency response employees or volunteers who may have been exposed to a reportable disease during the course and scope of employment or service as a volunteer and the destination hospital of the patient who was the source of the potential exposure;

(4) investigate and evaluate an exposure incident, using current evidence-based information on the possible risks of communicable disease presented by the exposure incident; and

(5) monitor all follow-up treatment provided to the affected emergency response employee or volunteer, in accordance with applicable federal, state, and local law.

(b) The executive commissioner by rule shall prescribe the qualifications required for a person to be eligible to be designated as an infection control officer under this section. The qualifications must include a requirement that the person be trained as a health care provider or have training in the control of infectious and communicable diseases.

(c) The entity that employs or uses the services of an emergency response employee or volunteer is responsible for notifying the local health authorities or local health care facilities, according to any local rules or procedures, that the entity has a designated infection control officer or alternate designated infection control officer.

Sec. 81.013. CONSIDERATION OF FEDERAL LAW AND REGULATIONS. The executive commissioner shall review the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub. L. No. 111-87) or any successor law and any regulations adopted under the law and determine whether adopting by rule any part of the federal law or regulations is in the best interest of the state to further achieve the purposes of this chapter. If the executive commissioner determines that adopting the federal law or regulations is in the best interest of the state to further achieve the purposes of this chapter, the executive commissioner may by rule adopt all or a part of the federal law or regulations.

SECTION 5. Section 81.046(c), Health and Safety Code, is amended to read as follows:

(c) Medical or epidemiological information may be released:

(1) for statistical purposes if released in a manner that prevents the identification of any person;

(2) with the consent of each person identified in the information;

(3) to medical personnel treating the individual, appropriate state agencies in this state or another state, a health authority or local health department in this state or another state, or federal, county, or district courts to comply with this chapter and related rules relating to the control and treatment of

communicable diseases and health conditions or under another state or federal law that expressly authorizes the disclosure of this information;

(4) to appropriate federal agencies, such as the Centers for Disease Control and Prevention of the United States Public Health Service, but the information must be limited to the name, address, sex, race, and occupation of the patient, the date of disease onset, the probable source of infection, and other requested information relating to the case or suspected case of a communicable disease or health condition; ~~[or]~~

(5) to medical personnel to the extent necessary in a medical emergency to protect the health or life of the person identified in the information; or

(6) to a designated infection control officer.

SECTION 6. The heading to Section 81.048, Health and Safety Code, is amended to read as follows:

Sec. 81.048. NOTIFICATION OF EMERGENCY RESPONSE EMPLOYEE OR VOLUNTEER ~~[PERSONNEL, PEACE OFFICERS, DETENTION OFFICERS, COUNTY JAILERS, AND FIRE FIGHTERS]~~.

SECTION 7. Sections 81.048(b) and (c), Health and Safety Code, and Section 81.048(g), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(b) Notice of a positive or negative test result for a reportable disease designated under Subsection (a) shall be given to an emergency response employee or volunteer ~~[medical service personnel, peace officer, detention officer, county jailer, or fire fighter]~~ as provided by this section if:

(1) the emergency response employee or volunteer ~~[medical service personnel, peace officer, detention officer, county jailer, or fire fighter]~~ delivered a person to a hospital as defined by Section 74.001, Civil Practice and Remedies Code;

(2) the hospital has knowledge that the person has a reportable disease and has medical reason to believe that the person had the disease when the person was admitted to the hospital; and

(3) the emergency response employee or volunteer ~~[medical service personnel, peace officer, detention officer, county jailer, or fire fighter]~~ was exposed to the reportable disease during the course and scope of the person's employment or service as a volunteer ~~[of duty]~~.

(c) Notice of the possible exposure shall be given:

(1) by the hospital to the local health authority;

(2) by the hospital to the designated infection control officer of ~~[local health authority to the director of the appropriate department of]~~ the entity that employs or uses the services of the affected emergency response employee or volunteer ~~[emergency medical service personnel, peace officer, detention officer, county jailer, or fire fighter]~~; and

(3) by the local health authority or the designated infection control officer of the entity that employs or uses the services of the affected emergency response employee or volunteer ~~[director]~~ to the employee or volunteer affected.

(g) A hospital that gives notice of a possible exposure under Subsection (c) or a local health authority or designated infection control officer that receives notice of a possible exposure under Subsection (c) may give notice of the possible exposure to a person other than the affected emergency response employee or volunteer ~~[emergency medical personnel, a peace officer, a detention officer, a county jailer, or a fire fighter]~~ if the person demonstrates that the person was exposed to the reportable disease while providing emergency care. The executive commissioner shall adopt rules to implement this subsection.

SECTION 8. Section 81.050(b), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and Section 81.050(h), Health and Safety Code, are amended to read as follows:

(b) A person whose occupation or whose volunteer service is included in one or more of the following categories may request the

department or a health authority to order testing of another person who may have exposed the person to a reportable disease:

- (1) a law enforcement officer;
- (2) a fire fighter;
- (3) an emergency medical service employee or paramedic;
- (4) a correctional officer;
- (5) an employee, contractor, or volunteer, other than a correctional officer, who performs a service in a correctional facility as defined by Section 1.07, Penal Code, or a secure correctional facility or secure detention facility as defined by Section 51.02, Family Code; ~~or~~
- (6) an employee of a juvenile probation department; or
- (7) any other emergency response employee or volunteer.

(h) The department or the department's designee shall inform the person who requested the order and the designated infection control officer of the person who requested the order, if that person is an emergency response employee or volunteer, of the results of the test. If the person subject to the order is found to have a reportable disease, the department or the department's designee shall inform that person and the person who requested the order of the need for medical follow-up and counseling services. The department or the department's designee shall develop protocols for coding test specimens to ensure that any identifying information concerning the person tested will be destroyed as soon as the testing is complete.

SECTION 9. Sections 81.095(a) and (b), Health and Safety Code, are amended to read as follows:

(a) In a case of accidental exposure of a health care worker to blood or other body fluids of a patient in a licensed hospital, the hospital, following a report of the exposure incident, shall take reasonable steps to test the patient for hepatitis B, ~~or~~ hepatitis C, HIV, or any reportable disease.

(b) This subsection applies only in a case of accidental exposure of certified emergency medical services personnel, an emergency response employee or volunteer [a firefighter, a peace officer], or a first responder who renders assistance at the scene of an emergency or during transport to the hospital to blood or other body fluids of a patient who is transported to a licensed hospital. The hospital receiving the patient, following a report of the exposure incident, shall take reasonable steps to test the patient for hepatitis B, ~~or~~ hepatitis C, HIV, or any reportable disease if the report shows there is significant risk to the person exposed. The organization that employs the person or for which the person works as a volunteer in connection with rendering the assistance is responsible for paying the costs of the test. The hospital shall provide the test results to the department or to the local health authority and to the designated infection control officer of the entity employing or using the services of an affected emergency response employee or volunteer, which are responsible for following the procedures prescribed by Section 81.050(h) to inform the person exposed and, if applicable, the patient regarding the test results. The hospital shall follow applicable reporting requirements prescribed by Subchapter C. This subsection does not impose a duty on a hospital to provide any further testing, treatment, or services or to perform further procedures.

SECTION 10. Section 81.0955(a), Health and Safety Code, and Section 89.055(b), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(a) This section applies only to the accidental exposure to the blood or other body fluids of a person who dies at the scene of an emergency or during transport to the hospital involving an emergency response employee or volunteer [certified emergency medical services personnel, a firefighter, a peace officer], or another [a] first responder who renders assistance at the scene of an emergency or during transport of a person to the hospital.

(b) A hospital, certified emergency medical services

5-1 personnel, a justice of the peace, a medical examiner, or a
 5-2 physician on behalf of the person exposed, following a report of the
 5-3 exposure incident, shall take reasonable steps to have ~~test~~ the
 5-4 deceased person tested for reportable ~~communicable~~ diseases. The
 5-5 hospital, certified emergency medical services personnel, justice
 5-6 of the peace, medical examiner, or physician shall provide the test
 5-7 results to the department or to the local health authority and to
 5-8 the designated infection control officer of an affected emergency
 5-9 response employee or volunteer responsible for following the
 5-10 procedures prescribed by Section 81.050(h) to inform the person
 5-11 exposed, and, if applicable, the department or the local health
 5-12 authority shall inform the next of kin of the deceased person
 5-13 regarding the test results. The hospital, certified emergency
 5-14 medical services personnel, medical examiner, or physician shall
 5-15 follow applicable reporting requirements prescribed by Subchapter
 5-16 C. This subsection does not impose a duty on a hospital, certified
 5-17 emergency medical services personnel, a medical examiner, or a
 5-18 physician to provide any further testing, treatment, or services or
 5-19 to perform further procedures. This subsection does not impose a
 5-20 duty on a justice of the peace to order that further testing,
 5-21 treatment, or services be provided or further procedures be
 5-22 performed. The executive commissioner shall adopt rules to
 5-23 implement this subsection.

5-24 SECTION 11. Section 81.103(b), Health and Safety Code, is
 5-25 amended to read as follows:

5-26 (b) A test result may be released to:
 5-27 (1) the department under this chapter;
 5-28 (2) a local health authority if reporting is required
 5-29 under this chapter;
 5-30 (3) the Centers for Disease Control and Prevention of
 5-31 the United States Public Health Service if reporting is required by
 5-32 federal law or regulation;
 5-33 (4) the physician or other person authorized by law
 5-34 who ordered the test;
 5-35 (5) a physician, nurse, or other health care personnel
 5-36 who have a legitimate need to know the test result in order to
 5-37 provide for their protection and to provide for the patient's
 5-38 health and welfare;
 5-39 (6) the person tested or a person legally authorized
 5-40 to consent to the test on the person's behalf;
 5-41 (7) the spouse of the person tested if the person tests
 5-42 positive for AIDS or HIV infection, antibodies to HIV, or infection
 5-43 with any other probable causative agent of AIDS;
 5-44 (8) a person authorized to receive test results under
 5-45 Article 21.31, Code of Criminal Procedure, concerning a person who
 5-46 is tested as required or authorized under that article;
 5-47 (9) a person exposed to HIV infection as provided by
 5-48 Section 81.050; ~~and~~
 5-49 (10) a county or district court to comply with this
 5-50 chapter or rules relating to the control and treatment of
 5-51 communicable diseases and health conditions; and
 5-52 (11) a designated infection control officer of an
 5-53 affected emergency response employee or volunteer.

5-54 SECTION 12. Section 81.107(a), Health and Safety Code, as
 5-55 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
 5-56 2015, is amended to read as follows:

5-57 (a) In a case of accidental exposure to blood or other body
 5-58 fluids under Section 81.102(a)(5)(D), the health care agency or
 5-59 facility may test a person who may have exposed the health care
 5-60 worker or other emergency response employee or volunteer to HIV
 5-61 without the person's specific consent to the test.

5-62 SECTION 13. Not later than December 1, 2015, the executive
 5-63 commissioner of the Health and Human Services Commission shall
 5-64 adopt the rules required by Section 81.012, Health and Safety Code,
 5-65 as added by this Act.

5-66 SECTION 14. This Act takes effect September 1, 2015.

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