

## **BILL ANALYSIS**

S.B. 1574  
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Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties observe that for certain emergency response employees or volunteers, especially emergency medical service personnel, exposure to blood or bodily fluid is a normal occurrence in their daily duties. The parties express concern that there is no system in place for timely notification or confirmation of exposure to an infectious disease or other reportable disease or parasite for these personnel. The parties point out that emergency response employees or volunteers need to know this information quickly because the possible risks can negatively affect their personal lives, loved ones, and peace of mind. The parties contend that timely notification of such exposure also would prevent unnecessary treatment or delays in treatment, thereby increasing the odds of preventing transmission of the disease. S.B. 1574 seeks to provide for timely notification of such exposure to help address this routine, yet potentially highly dangerous, risk to emergency response employees or volunteers.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 4 of this bill.

### **ANALYSIS**

S.B. 1574 amends the Health and Safety Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to require an entity that employs or uses the services of an emergency response employee or volunteer, defined by the bill as 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, to nominate a designated infection control officer and an alternate officer to receive notification of a potential exposure to a reportable disease from a health care facility, notify the appropriate health care providers of a potential exposure to a reportable disease, 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, investigate and evaluate an exposure incident using current evidence-based information on the possible risks of communicable disease presented by the exposure incident, and monitor all follow-up treatment provided to the affected emergency response employee or volunteer in accordance with applicable federal, state, and local law. The bill requires the executive commissioner of the Health and Human Services Commission by rule, not later than December 1, 2015, to prescribe the qualifications required for a person to be eligible to be designated as an infection control officer and requires that those qualifications include a requirement that the person be trained as a

health care provider or have training in the control of infectious and communicable diseases. The bill establishes that 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 infection control officer.

S.B. 1574 requires the executive commissioner to review the federal Ryan White HIV/AIDS Treatment Extension Act of 2009 or any successor law and any regulations adopted under the law and determine whether adopting any part of the federal law or regulations by rule is in the best interest of the state to further achieve the purposes of the Communicable Disease Prevention and Control Act and authorizes the executive commissioner to adopt by rule all or a part of the federal law or regulations if the executive commissioner determines that adopting the federal law or regulations is in the best interest of the state to further achieve those purposes.

S.B. 1574 authorizes the release of medical or epidemiological information regarding cases or suspected cases of diseases or health conditions to a designated infection control officer. The bill expands the requirement that notice be given to certain individuals providing emergency care regarding an individual's possible exposure to a reportable disease to include requiring notice to be given to an emergency response employee or volunteer and requiring notice to be given regarding a negative test result, as well as a positive result, for a reportable disease. The bill requires such notice to be given by the hospital to the designated infection control officer of the entity that employs or uses the services of the affected emergency response employee or volunteer and by the local health authority or that designated infection control officer to the employee or volunteer affected. The bill removes requirements that the local health authority give notice to the director of the appropriate department of the entity that employs the affected employee and that the director give notice to the employee affected. The bill authorizes a designated infection control officer that receives such notice to give notice of the possible exposure to a person other than the affected employee or volunteer if that person demonstrates that the person was exposed to the reportable disease while providing emergency care.

S.B. 1574 authorizes any emergency response employee or volunteer to request the Department of State Health Services (DSHS) or a health authority to order testing of another person who may have exposed the employee or volunteer to a reportable disease. The bill requires DSHS or DSHS's designee to inform the designated infection control officer of the person who requested the order of the test results if that person is an emergency response employee or volunteer. The bill includes HIV or any reportable disease among the conditions for which a licensed hospital, following a report of accidental exposure of a health care worker to blood or other body fluids of a patient in that hospital, is required to take reasonable steps to test the patient. The bill expands the requirement that a patient who is transported to a licensed hospital be tested for certain conditions after a person who renders assistance to the patient is accidentally exposed to the patient's blood or other body fluids to include testing after an emergency response employee or volunteer is accidentally exposed. The bill requires the hospital to provide those test results to the designated infection control officer of the entity employing or using the services of an affected emergency response employee or volunteer and includes HIV or any reportable disease among the conditions for which the hospital is required to take reasonable steps to test the patient.

S.B. 1574 changes from communicable diseases to reportable diseases the diseases for which a deceased person who dies at the scene of an emergency or during transport to the hospital is required to be tested after certain individuals have been accidentally exposed to the person's blood or other body fluids. The bill also expands the requirement to include such testing after any emergency response employee or volunteer is accidentally exposed. The bill includes a justice of the peace or medical examiner among the entities and persons required to take reasonable steps to have a deceased person so tested following a report of an exposure incident. The bill requires the results of that test to be provided to the designated infection control officer of an affected emergency response employee or volunteer and requires a medical examiner to follow applicable

reporting requirements prescribed by the Communicable Disease Prevention and Control Act. The bill removes a requirement that the person or entity providing the test results inform the next of kin of the deceased person regarding the test results and instead requires DSHS or the local health authority to so inform the next of kin. The bill establishes that no additional duty is imposed on a justice of the peace or medical examiner to order or provide any further testing, treatment, or services or to order or perform further procedures.

S.B. 1574 authorizes the release of test results for AIDS and other related disorders to a designated infection control officer of an affected emergency response employee or volunteer. The bill authorizes a health care agency or facility to test a person who may have exposed any emergency response employee or volunteer to HIV without the person's specific consent to the test.

S.B. 1574 amends the Code of Criminal Procedure to expand the requirement that a person arrested for an offense who during the commission of that offense or subsequent arrest causes a peace officer to come into contact with the person's bodily fluids be tested for a communicable disease to include testing of such a person who exposes any emergency response employee or volunteer. The bill requires the person performing the test to make the test results available to the designated infection control officer of the entity that employs or uses the services of the affected employee or volunteer and requires that officer to notify the employee or volunteer of the test result.

S.B. 1574 amends the Government Code to extend to any emergency response employee or volunteer the entitlement of certain persons exposed to methicillin-resistant *Staphylococcus aureus* to receive notification of the exposure. The bill expands the entitlement to include notice of exposure of a disease caused by a select agent or toxin identified or listed under certain specified federal regulations.

**EFFECTIVE DATE**

September 1, 2015.