

SUBJECT: Disclosing information about communicable diseases to first responders

COMMITTEE: Public Health — favorable, without amendment

VOTE: 6 ayes — Crownover, Naishtat, Coleman, Guerra, Zedler, Zerwas

0 nays

5 absent — Blanco, Collier, S. Davis, R. Miller, Sheffield

WITNESSES: For — Christopher Perkins and Zachary Thompson, Dallas County Health and Human Services; Ryan Matthews; (*Registered, but did not testify*: Seth Mitchell, Bexar County Commissioners Court; Craig Pardue, Dallas County; Charles Reed, Dallas County Commissioners Court; Don Allred, Oldham County; Margo Cardwell, State Firefighters' and Fire Marshals' Association; Mark Mendez, Tarrant County Commissioners Court; Rick Thompson, Texas Association of Counties; Donald Lee, Texas Conference of Urban Counties; Dudley Wait, Texas EMS Alliance; Courtney DeBower, Texas EMS, Trauma and Acute Care Foundation; Julie Acevedo, Texas Fire Chiefs Association)

Against — None

On — (*Registered, but did not testify*: Marilyn Felkner, Department of State Health Services)

BACKGROUND: Health and Safety Code, ch. 81 defines communicable disease as an illness that occurs through the transmission of an infectious agent or its toxic products from a reservoir to a susceptible host, either directly, as from an infected person or animal, or indirectly through an intermediate plant or animal host, a vector, or the inanimate environment. Section 81.046 of this chapter governs confidentiality of health information, reports, and records related to cases or suspected cases of diseases or health conditions.

Government Code, sec. 421.095 defines a “first responder” as a public

safety employee or volunteer whose duties include responding rapidly to an emergency.

In 2014, cases of Ebola were confirmed in Texas. Following the confirmation of these cases, local health authorities monitored individuals who had been exposed to the Ebola patients. These events highlighted gaps in state statute regarding the ability of local health authorities to share information about communicable disease with first responders who respond in these situations.

DIGEST:

HB 2646 would add new entities to whom medical or epidemiological information, including information linking a person who was exposed to a person with a communicable disease, could be released. Under the bill, this information could be released to the following entities for the following reasons in addition to the ones already specified in existing statute:

- governmental entities that provided first responders who could respond to a situation involving a potential communicable disease of concern and who needed the information to properly respond to the situation; or
- a local health department or health authority for a designated monitoring period based on the potential risk for developing symptoms of a communicable disease of concern.

The bill would require a local health department or health authority to provide to first responders the physical address of a person who was being monitored by the local department or authority for a communicable disease for the duration of the disease's incubation period. The local health department, health authority, or other governmental entity, as applicable, would be required to remove the person's physical address from any computer-aided dispatch system after the monitoring period expired.

The bill would allow only the minimum necessary information to be released under the above provisions, as determined by a health authority,

local health department, governmental entity, or department.

The bill also would allow reports, records, and information relating to cases or suspected cases of diseases or health conditions to be released to the extent necessary during an outbreak of a communicable disease to law enforcement personnel and first responders, solely for the purpose of protecting the health or life of a first responder or the person identified in the report, record, or information.

The bill would take effect September 1, 2015.