

## **BILL ANALYSIS**

Senate Research Center  
80R1097 ABC-D

S.B. 810  
By: Janek  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current statute places the primary responsibility for preparing for and responding to large-scale public health emergencies, such as pandemic influenza, with local authorities. However, certain provisions limit a regional health authority's ability to enact necessary prevention and containment strategies quickly and effectively at the outset of a large-scale public health emergency.

As proposed, S.B. 810 enables effective preparation for and response to a public health disaster on the part of a local health authority.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

[While statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services (DSHS), as the successor agency to TDH.]

SECTION 1. Amends Section 81.082, Health and Safety Code, by adding Subsection (c-1), to authorize a health authority to designate health care facilities within jurisdiction that are capable of providing certain services during a public health disaster or during an area quarantine under Section 81.085 (Area Quarantine; Criminal Penalty). Prohibits a health authority from designating a nursing home or other institution licensed under Chapter 242 (Convalescent And Nursing Homes And Related Institutions).

SECTION 2. Amends Section 81.083, Health and Safety Code, by adding Subsections (k) and (l), as follows:

(k) Authorizes the DSHS or health authority, if there is reasonable cause to believe that a group of five or more individuals has been exposed to or infected with a communicable disease, to order the members of the group to implement measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease in Texas. Provides that each member of the group is subject to the requirements of this section if DSHS or the health authority adopts control measures under this subsection.

(l) Requires an order under Subsection (k) to be in writing and be delivered personally or by registered or certified mail to each member of the group, or the member's parent, legal guardian, or managing conservator if the member is a minor. Requires DSHS to publish notice in a newspaper of general circulation in any county that includes the area of suspected exposure or where a group member resides if the name, address, and county of residence of any group member is unknown at the time the order is issued. Sets forth the information required to be included on the notice.

SECTION 3. Amends Section 81.151, Health and Safety Code, by adding Subsection (e), to authorize a single application to be filed for a group if certain criteria is met.

SECTION 4. Amends Subchapter G, Chapter 81, Health and Safety Code, by adding Section 81.1511, as follows:

Sec. 81.1511. **APPLICABILITY OF SUBCHAPTER TO GROUP.** Provides that the provisions of this subchapter apply to a group in the same manner as they apply to an individual with certain exceptions, to the extent possible, and except as otherwise provided, if a group application is filed under Section 81.151(e).

SECTION 5. Amends Section 81.152, Health and Safety Code, by adding Subsection (d), to require a group application to contain certain information according to the applicant's information and belief.

SECTION 6. Amends Subchapter G, Chapter 81, Health and Safety Code, by adding Section 81.1531, as follows:

Sec. 81.1531. **APPOINTMENT OF ATTORNEY FOR GROUP.** (a) Requires a judge to appoint an attorney to represent a group identified in a group application under Section 81.151(e) and to appoint an attorney for each person who is listed in the application if requested by a person in the group who does not have an attorney.

(b) Provides that the provisions of this chapter that apply to an individual's attorney apply to a group's attorney.

SECTION 7. Amends Sections 81.165(b) and (d), Health and Safety Code, as follows:

(b) Authorizes the judge or magistrate to postpone a hearing if the area in which the person is found, or the area where the hearing will be held, is under a public health disaster until the period of disaster is ended.

(d) Authorizes the magistrate or master to order that a person entitled to a hearing for a protective custody order is prohibited to appear in person and is only authorized to appear by teleconference or another means to allow the person to speak, to interact with witnesses, and to confer with the person's attorney, if the health advisory advises the court that the person is required to remain in isolation or quarantine and that exposure to the judge, jurors, or the public would jeopardize the health and safety of those persons and the public health.

SECTION 8. Amends Sections 81.167(b) and (c), Health and Safety Code, as follows:

(b) Requires a person under a protective custody order to be detained in an appropriate inpatient health facility that has been designated by the commissioner of public health or by a health authority and selected by the health authority under Section 81.159.

(c) Prohibits a person from being detained in a nonmedical facility under this subsection for longer than 72 hours, except under certain circumstances, including the duration of a public health disaster.

SECTION 9. Amends Section 81.168(c), Health and Safety Code, to make a conforming change.

SECTION 10. Amends Section 81.169, Health and Safety Code, by adding Subsection (i), as follows:

(i) Authorizes a judge to order that a person entitled to a hearing is prohibited to appear in person and is only authorized to appear by teleconference or another means that the judge finds appropriate to allow the person to speak, to interact with witnesses, and to confer with the person's attorney if the health authority advises the court that the person is required to remain in isolation or quarantine and that exposure to the judge, jurors, or the public would jeopardize the health and safety of those persons and the public health, notwithstanding Subsection (d).

SECTION 11. Amends Section 81.176, Health and Safety Code, to make a conforming change.

SECTION 12. Amends Section 81.177, Health and Safety Code, as follows:

Sec. 81.177. COMMITMENT TO PRIVATE FACILITY. (a) Creates this subsection from existing text.

(b) Authorizes the court to order a person committed to a private health care facility at no expense to the state, a county, a municipality, or a hospital district during certain circumstances, notwithstanding Subsection (a).

(c) Requires the head of a private facility designated under Subsection (b) to accept responsibility with respect to the person who is committed to that facility.

SECTION 13. Effective date: upon passage or September 1, 2007.