

BILL ANALYSIS

Senate Research Center

H.B. 1093
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the Commission on State Emergency Communications (CSEC) and the Department of State Health Services (DSHS) jointly administer the poison control network consisting of six poison control centers across Texas. H.B. 1093 transfers oversight of regional poison control centers and the poison control network to CSEC.

H.B. 1093 amends the Health and Safety Code to transfer, on May 1, 2010, all functions and activities relating to regional poison control centers performed by DSHS jointly with CSEC to CSEC and specifies that a reference in law or an administrative rule to DSHS or its predecessor relating to regional poison control centers is a reference to CSEC. The bill specifies that, in addition to other duties, CSEC is required to administer the poison control network, including poison control centers, rather than only the telecommunications requirements for poison control centers. The bill replaces the commissioner of public health or an individual who has responsibility for the poison control network designated by the commissioner with the executive commissioner of the Health and Human Services Commission (executive commissioner) or an individual designated by the executive commissioner as a nonvoting ex officio member of the CSEC.

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

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Health (TDH) is rescinded in SECTION 4 (Section 777.001, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the Texas Board of Health is rescinded in SECTION 6 (Section 777.009, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 771.031(b), Health and Safety Code, to provide that certain individuals serve as nonvoting ex officio members, including the executive commissioner of the Health and Human Services Commission (executive commissioner), rather than the commissioner of public health, or an individual designated by the executive commissioner, rather than an individual who has responsibility for the poison control network designated by the commissioner.

SECTION 2. Amends Section 771.051(a), Health and Safety Code, to require the Commission on State Emergency Communications (CSEC) to administer the implementation of statewide 9-1-1 service and the poison control network, including poison control centers, rather than the telecommunications requirements for poison control centers, under Chapter 777 (Regional Poison Control Centers).

SECTION 3. Amends Section 771.072(e), Health and Safety Code, to require that the amount derived from the application of the surcharge at a rate of not more than .8 percent, from the revenue received from the surcharge imposed by this section, to be periodically allocated to fund grants awarded under Section 777.009, rather than allocated to the Texas Department of Health (TDH), and other activities related to the poison control centers as required by Chapter 777.

SECTION 4. Amends Section 777.001, Health and Safety Code, as follows:

Sec. 777.001. REGIONAL POISON CONTROL CENTERS. (a) Provides that six regional centers for poison control are designated as the regional poison control centers for the state, including the University Medical Center of El Paso, rather than the R. E. Thomason General Hospital, El Paso County Hospital District, and the Texas Tech University Health Sciences Center at Amarillo, rather than the Northwest Texas Hospital, Amarillo Hospital District.

(b) Requires the poison control centers to coordinate poison control activities within the designated health and human services regions for the state. Requires CSEC, rather than TDH and CSEC, to adopt rules, rather than jointly adopt rules, designating the region for each poison control center. Authorizes CSEC to adopt rules, rather than TDH and CSEC to jointly adopt rules, permitting poison control centers to provide services for regions served by other poison control centers in this state as necessary to maximize efficient use of resources and provide appropriate services in each region.

(c) Authorizes CSEC, rather than the Texas Board of Health, to vote to designate a seventh regional or satellite poison control center in Harris County.

SECTION 5. Amends Section 777.006, Health and Safety Code, as follows:

Sec. 777.006. INFORMATION AT BIRTH. Requires CSEC, rather than TDH, to assist the regional poison control centers in providing informational packets on poison prevention to parents of newborns.

SECTION 6. Amends Sections 777.008 and 777.009, Health and Safety Code, as follows:

Sec. 777.008. COORDINATING COMMITTEE. (a) Requires the coordinating committee on poison control (committee) to coordinate the activities of the regional poison control centers designated under Section 777.001(a) and advise CSEC, rather than the Texas Board of Health and CSEC.

(b) Provides that the committee is composed of one public member appointed by CSEC, rather than the Texas Board of Health and one public member appointed by CSEC; six members who represent the six regional poison control centers, one appointed by the chief executive officer of each center; one member appointed by the commissioner of the Department of State Health Services (DSHS); and one member who is a health care professional designated as the poison control program coordinator appointed by CSEC. Deletes existing text providing that the committee includes members appointed by the chief executive officer of each of the following entities: The University of Texas Medical Branch at Galveston; the Dallas County Hospital/North Texas Poison Center; The University of Texas Health Science Center at San Antonio; R.E. Thomason General Hospital, El Paso County Hospital District; Northwest Texas Hospital, Amarillo Hospital District; Scott and White Memorial Hospital, Temple, Texas; The University of Texas Southwestern Medical Center at Dallas; The Texas A&M University Health Science Center; the Texas Tech University Health Sciences Center; the Texas Veterinary Medical Diagnostic Laboratory; the Department of Agriculture; and TDH.

Sec. 777.009. FUNDING. (a) Requires CSEC, rather than TDH and CSEC, to establish a program to award grants to fund the regional poison control centers.

(b) Requires CSEC, rather than TDH and CSEC, to adopt rules, rather than jointly adopt rules, to establish criteria for awarding the grants. Requires that the rules require the agency to consider certain factors.

(c) Authorizes CSEC, rather than TDH and CSEC, to approve grants according to CSEC rules, rather than their jointly adopted rules.

(d) Makes a conforming change.

SECTION 7. Amends Sections 777.010(a) and (b), Health and Safety Code, as follows:

(a) Makes conforming changes.

(b) Prohibits CSEC, rather than TDH and CSEC, from entering into a contract under this subsection if, in the opinion of CSEC, the regional poison control center's performance of the contract would result in a diminishment in the services provided in the region. Makes conforming changes.

SECTION 8. Amends Section 777.011, Health and Safety Code, to make a conforming change.

SECTION 9. Amends Chapter 777, Health and Safety Code, by adding Section 777.013, as follows:

Sec. 777.013. COOPERATION AND COORDINATION WITH THE DEPARTMENT OF STATE HEALTH SERVICES. (a) Requires DSHS, on request of CSEC, to provide epidemiological support to the regional poison control centers under this chapter to maximize the use of data collected by the poison control network; assist the regional poison control centers with quality control and quality assurance; assist with research; and coordinate poison control activities with other public health activities.

(b) Requires each regional poison control center to provide DSHS with access to all data and information collected by the regional poison control center for public health activities and epidemiological and toxicological investigations.

(c) Requires CSEC and DSHS to enter into a memorandum of understanding that delineates the responsibilities of each agency under this section and amend the memorandum of understanding as necessary to reflect the changes in those responsibilities.

SECTION 10. (a) Requires DSHS and CSEC, not later than January 1, 2010, to enter into a memorandum of understanding that identifies in detail the applicable powers and duties that are being transferred by this Act; and establishes a plan for the identification and transfer of the records, property, and unspent appropriations of DSHS that are used for purposes of DSHS's powers and duties relating to regional poison control centers under Chapter 777, Health and Safety Code, and other law.

(b) Requires DSHS and CSEC, not later than February 1, 2010, to enter into the memorandum of understanding required by Section 777.013, Health and Safety Code, as added by this Act.

SECTION 11. (a) Provides that on May 1, 2010:

(1) all functions and activities performed by DSHS jointly with CSEC immediately before that date are transferred to CSEC;

(2) a rule, form, policy, procedure, or decision jointly adopted under Chapter 777, Health and Safety Code, as it existed before amendment by this Act, continues in effect as a rule, form, policy, procedure, or decision of the CSEC and remains in effect until amended or replaced by the CSEC;

(3) a reference in law or an administrative rule to DSHS or its predecessor relating to regional poison control centers is a reference to CSEC;

(4) all money, contracts, leases, rights, property, records, and bonds and other obligations of DSHS or its predecessor relating to regional poison control centers are transferred to CSEC;

(5) a court case, administrative proceeding, contract negotiation, or other proceeding relating to regional poison control centers involving DSHS or its predecessor is transferred without change in status to CSEC, and CSEC assumes, without a change in status, the position of DSHS in a negotiation or proceeding relating to an activity transferred by this Act to CSEC to which DSHS is a party; and

(6) the unexpended and unobligated balance of any money appropriated by the legislature for DSHS relating to regional poison control centers is transferred to CSEC.

(b) Authorizes DSHS, before May 1, 2010, to agree with CSEC to transfer any property of DSHS to CSEC to implement the transfer required by this section.

(c) Provides that during the period beginning on September 1, 2009, and ending on April 30, 2010, DSHS is required to continue to perform functions and activities relating to regional poison control centers under the Health and Safety Code or other law as if the law had not been amended or repealed, as applicable, and the former law is continued in effect for that purpose, and a person who is authorized or required by law to take an action relating to DSHS or a member of DSHS relating to regional poison control centers is required to continue to take that action under the law as if the law had not been amended or repealed, as applicable, and the former law is continued in effect for that purpose.

SECTION 12. Provides that the term of a member serving on the coordinating committee on poison control immediately preceding the effective date of this Act expires on that date. Authorizes the member to be reappointed to the committee.

SECTION 13. Effective date: September 1, 2009.