

BILL ANALYSIS

Senate Research Center
81R9510 JSC-F

C.S.S.B. 345
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Health & Human Services
3/13/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, home and community services support agencies (HCSSAs) may develop and enforce employee tuberculosis screening policies at their own discretion. However, HCSSAs face fines from the Centers for Disease Control and Prevention (CDC) if they do not follow these procedures. CDC has developed recommendations and implementation guidelines for HCSSA tuberculosis screening programs. Vulnerable clients of HCSSAs living in high-risk situations need protection from contracting tuberculosis from caretakers.

C.S.S.B. 345 transfers rulemaking authority from the Texas Board of Nursing to the executive commissioner of Health and Human Services Commission and requires that the Department of State Health Services (formerly the Texas Department of Health) rules set minimum standards for HCSSAs licensed under this chapter to include the implementation, for professional and nonprofessional personnel, including volunteers, who have direct contact with the HCSSA's clients, of a tuberculosis surveillance program, based on the most current CDC guidelines.

[**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 Board of Nursing is transferred to the executive commissioner of the Health and Human Services Commission, in SECTION 1 (Section 142.012, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 142.012(b), Health and Safety Code, to require that the Texas Department of Health rules set minimum standards for home and community support services agencies (HCSSAs) licensed under this chapter to include the implementation, for professional and nonprofessional personnel, including volunteers, who have direct contact with the HCSSA's clients, of a tuberculosis surveillance program, based on the most current guidelines for preventing the transmission of Mycobacterium tuberculosis in health care facilities published by the Centers for Disease Control and Prevention of the United States Public Health Service. Deletes existing text requiring the Texas Board of Nursing to by rule set minimum standards. Makes nonsubstantive changes.

SECTION 2. Requires the executive commissioner of the Health and Human Services Commission to adopt rules required by Section 142.012(b), Health and Safety Code, as amended by this Act, not later than January 1, 2010.

SECTION 3. Effective date: September 1, 2009.