

## BILL ANALYSIS

Senate Research Center  
81R12449 JSC-D

C.S.S.B. 347  
By: Nelson  
Health & Human Services  
3/3/2009  
Committee Report (Substituted)

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

When thousands of evacuees from Louisiana came to Texas following Hurricanes Katrina and Rita, Louisiana was able to share evacuee immunization records with the Department of State Health Services (DSHS) and local health departments, which eliminated the need for unnecessary immunizations and helped protect the state's public health system. There is currently no provision allowing for the exchange of immunization registry data, although it is permitted under federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) guidelines. There is a need to avoid duplicative immunizations and ease transition efforts for Texans who are forced to evacuate or relocate to other states during disasters.

C.S.S.B. 347 authorizes DSHS to exchange immunization records stored in ImmTrac, the state's immunization registry, with other state and local health departments during disasters or emergencies involving evacuations or relocations.

[**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 modified in SECTION 1 (Section 161.007, Health and Safety Code) and SECTION 2 (Section 161.00706, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 5 (Section 161.00735, Health and Safety Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 161.007(a), (b), (b-1), and (j), Health and Safety Code, as follows:

(a) Requires the Texas Department of Health (TDH) by rule to develop guidelines to inform a parent, managing conservator, or guardian of each patient younger than 18 years of age about the immunization registry and that registry information is authorized to be released under Section 161.00735.

(b) Requires that the immunization registry contain information on the immunization history that is obtained by TDH under certain sections, including Section 161.00735 of persons evacuated or relocated to this state because of a disaster. Makes nonsubstantive changes.

(b-1) Prohibits TDH from retaining individually identifiable information about any person for certain reasons, including any person for whom consent for continued inclusion in the registry following the end of a disaster has not been received under Section 161.00735(f) or for whom a request to remove information from the registry has been received under Section 161.00735(g). Makes nonsubstantive changes.

(j) Creates an exception to certain confidentiality and disclosure provisions under Section 161.00735(b).

SECTION 2. Amends Sections 161.00706(c) and (d), Health and Safety Code, as follows:

(c) Requires the executive commissioner of the Health and Human Services Commission (HHSC) to develop guidelines for use by TDH in informing first responders about the registry and that registry information is authorized to be released under Section 161.00735.

(d) Creates an exception under Section 161.00735 to the provision authorizing release of a person's immunization history or data only on consent of the person or to certain persons. Makes nonsubstantive changes.

SECTION 3. Amends Section 161.0071(a), Health and Safety Code, as follows:

(a) Requires TDH, the first time TDH receives registry data for a child for whom TDH has received consent to be included in the registry from a person other than the child's parent, managing conservator, or guardian, to send written notice to the child's parent, managing conservator, or guardian disclosing the persons to whom the information is authorized to be released under Section 161.00735(b). Makes nonsubstantive changes.

SECTION 4. Amends Section 161.0073(a), Health and Safety Code, to create an exception under Section 161.00735 relating to confidentiality of certain individual identifying information. Makes nonsubstantive changes.

SECTION 5. Amends Subchapter A, Chapter 161, Health and Safety Code, by adding Section 161.00735, as follows:

Sec. 161.00735. RELEASE AND RECEIPT OF REGISTRY DATA IN DISASTER. (a) Defines "disaster."

(b) Authorizes TDH, if TDH determines that residents of this state have evacuated or relocated to another state in response to a disaster, to release registry data, except registry data obtained under Section 161.00705 (Recording Administration of Immunization and Medication for Disasters and Emergencies), to the appropriate health authority of that state or to local health authorities in that state.

(c) Authorizes TDH to receive immunization information from a health authority of another state or from a local health authority in another state if TDH determines that residents of that state have evacuated or relocated to this state in response to a disaster. Requires TDH to include information received under this subsection in the registry. Provides that, notwithstanding Section 161.007, TDH is not required to obtain written consent for the inclusion in the registry of information received under this subsection.

(d) Provides that immunization information received under Subsection (c) is subject to Section 161.0073 and is prohibited from being released except as authorized by this chapter.

(e) Requires the executive commissioner of HHSC, by rule, to determine the period during which the information collected under Subsection (c) is required to remain in the immunization registry following the end of the disaster.

(f) Requires TDH to remove the immunization records collected under Subsection (c) from the registry on the expiration of the period prescribed by Subsection (e) unless an individual or, if a child, the child's parent, managing conservator, or guardian consents in writing to continued inclusion of the individual's or child's information in the registry.

(g) Requires TDH to remove the information from the registry, if an individual or, if a child, the child's parent, managing conservator, or guardian requests in writing that the individual's or child's information obtained under Subsection (c) be removed from the registry.

(h) Requires the executive commissioner of HHSC to make every effort to enter into a memorandum of agreement with each state to which residents of this state are likely to evacuate in a disaster on the release and use of registry information under this section to the appropriate health authority or local health authority of that state, including the length of time the information is authorized to be retained by that state and the receipt and use of information submitted by the health authority or local health authority of that state for inclusion in the registry under this section.

SECTION 6. Amends Section 161.009(a), Health and Safety Code, to provide that a person commits an offense if the person fails to remove a person's immunization information in violation of Section 161.00735. Makes nonsubstantive changes.

SECTION 7. Effective date: September 1, 2009.