

1 AN ACT

2 relating to establishing a sentinel surveillance program for
3 respiratory syncytial virus.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle D, Title 2, Health and Safety Code, is
6 amended by adding Chapter 96 to read as follows:

7 CHAPTER 96. RESPIRATORY SYNCYTIAL VIRUS

8 Sec. 96.001. DEFINITIONS. In this chapter:

9 (1) "Department" means the Department of State Health
10 Services.

11 (2) "Executive commissioner" means the executive
12 commissioner of the Health and Human Services Commission.

13 (3) "Health facility" includes:

14 (A) a general or special hospital licensed by the
15 department under Chapter 241;

16 (B) a physician-owned or physician-operated
17 clinic;

18 (C) a publicly or privately funded medical
19 school;

20 (D) a state hospital or state school maintained
21 and managed by the Department of State Health Services or the
22 Department of Aging and Disability Services;

23 (E) a public health clinic conducted by a local
24 health unit, health department, or public health district organized

1 and recognized under Chapter 121; and

2 (F) another facility specified by a rule adopted
3 by the executive commissioner.

4 (4) "Local health unit" has the meaning assigned by
5 Section 121.004.

6 (5) "RSV" means respiratory syncytial virus.

7 Sec. 96.002. CONFIDENTIALITY. (a) Except as specifically
8 authorized by this chapter, reports, records, and information
9 furnished to a department employee or to an authorized agent of the
10 department that relate to cases or suspected cases of a health
11 condition are confidential and may be used only for the purposes of
12 this chapter.

13 (b) Reports, records, and information relating to cases or
14 suspected cases of health conditions are not public information
15 under Chapter 552, Government Code, and may not be released or made
16 public on subpoena or otherwise except as provided by this chapter.

17 (c) The department may release medical, epidemiological, or
18 toxicological information:

19 (1) for statistical purposes, if released in a manner
20 that prevents the identification of any person;

21 (2) to medical personnel, appropriate state agencies,
22 health authorities, regional directors, and public officers of
23 counties and municipalities as necessary to comply with this
24 chapter and rules relating to the identification, monitoring, and
25 referral of children with RSV; or

26 (3) to appropriate federal agencies, such as the
27 Centers for Disease Control and Prevention of the United States

1 Public Health Service.

2 Sec. 96.003. LIMITATION OF LIABILITY. A health
3 professional, a health facility, or an administrator, officer, or
4 employee of a health facility subject to this chapter is not civilly
5 or criminally liable for divulging information required to be
6 released under this chapter, except in a case of gross negligence or
7 wilful misconduct.

8 Sec. 96.004. COOPERATION OF GOVERNMENTAL ENTITIES. Another
9 state board, commission, agency, or governmental entity capable of
10 assisting the department in carrying out the intent of this chapter
11 shall cooperate with the department and furnish expertise,
12 services, and facilities to the sentinel surveillance program.

13 Sec. 96.005. SENTINEL SURVEILLANCE PROGRAM. (a) The
14 executive commissioner shall establish in the department a program
15 to:

16 (1) identify by sentinel surveillance RSV infection in
17 children; and

18 (2) maintain a central database of
19 laboratory-confirmed cases of RSV that can be used to investigate
20 the incidence, prevalence, and trends of RSV.

21 (b) In establishing the sentinel surveillance program for
22 RSV, the executive commissioner shall consider:

23 (1) the number and geographic distribution of children
24 in the state;

25 (2) the location of health facilities that collect RSV
26 information locally; and

27 (3) the use of existing data collected by health

1 facilities.

2 (c) The executive commissioner shall adopt rules to govern
3 the operation of the program and carry out the intent of this
4 chapter, including rules that specify a system for selecting the
5 demographic areas in which the department collects information.

6 Sec. 96.006. DATA COLLECTION. (a) To ensure an accurate
7 source of data, the executive commissioner may require a health
8 facility or health professional to make available for review by the
9 department or by an authorized agent medical records or other
10 information that is in the facility's or professional's custody or
11 control and that relates to an occurrence of RSV.

12 (b) The executive commissioner by rule shall prescribe the
13 manner in which data are reported to the department.

14 Sec. 96.007. DATABASE. (a) Information collected and
15 analyzed by the department or an authorized agent under this
16 chapter may be placed in a central database to facilitate
17 information sharing and provider education.

18 (b) The department may use the database to:

19 (1) design and evaluate measures to prevent the
20 occurrence of RSV and other health conditions; and

21 (2) provide information and education to providers on
22 the incidence of RSV infection.

23 SECTION 2. Not later than November 1, 2005, the executive
24 commissioner of the Health and Human Services Commission shall
25 adopt rules as required by Section 96.005, Health and Safety Code,
26 as added by this Act.

27 SECTION 3. This Act takes effect September 1, 2005.

David Newkum

President of the Senate

Jim Coadick

Speaker of the House

I certify that H.B. No. 1677 was passed by the House on April 21, 2005, by the following vote: Yeas 138, Nays 0, 1 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1677 was passed by the Senate on May 10, 2005, by the following vote: Yeas 24, Nays 0.

Datsy Spaw
Secretary of the Senate

APPROVED: 24 MAY 05

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:00 PM O'CLOCK

Roger Williams
MAY 24 2005
Secretary of State