

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3704
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Health & Human Services
5/18/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Local health departments have a need to obtain certain health data from the Department of State Health Services (DSHS) in order to provide proper and necessary public health services to their local communities. In some cases, this health data was originally sent by the local health departments to DSHS for aggregation or as required by law, yet the local health departments are unable to access this information because state law precludes the agency from sharing this information.

H.B. 3704 would allow DSHS to share relevant public health data with local health units, local health departments, or a public health district so long as sharing that data is consistent with federal and state law. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3704 amends current law relating to certain public health data maintained by the Department of State Health Services and shared with certain local health entities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 1001, Health and Safety Code, by adding Section 1001.089, as follows:

Sec. 1001.089. PUBLIC HEALTH DATA. (a) Defines "essential public health services" and "local public health entity."

(b) Authorizes the Department of State Health Services (DSHS), notwithstanding Sections 81.103 (Confidentiality; Criminal Penalty), 82.009 (Confidentiality), 88.002(b) (relating to providing that reports, records, and information relating to cases or suspected cases of childhood lead poisoning and children with reportable blood lead levels are not public information under the open records law, and may not be released or made public on subpoena or otherwise except as provided by this chapter), 92.006 (Confidentiality), and 192.002(b) (relating to a birth certificate entitled "For Medical and Health Use Only"), to enter into an agreement with a local public health services to provide the entity access to:

(1) identified public health data relating to the entity's jurisdiction and any public health data relating to a jurisdiction contiguous to the entity; and

(2) deidentified public health data maintained by DSHS relating to the jurisdiction of any other local public health entity.

(c) Authorizes the public health data obtained through the agreement to be sued only in the provision of essential public health services.

(d) Provides that access to public health data includes necessary identified public health data required for an infectious disease investigation conducted under Chapter 81 (Communicable Diseases).

(e) Requires DSHS, for any public health data request that is not subject to Subsection (b), (c), or (d), and except as provided by Subsection (f), to establish a review process for the consideration of public health data requests relating to essential public health services or public health services or public health research. Requires the process to evaluate:

(1) the public health benefit and purpose of the request;

(2) the privacy of the individuals whose data is requested;

(3) the management of the data by the requestor, including management of public health data released to the requestor in previous requests; and

(4) other relevant law.

(f) Requires a local public health entity seeking public health data for human subject research purposes to submit a request to DSHS's institutional review board for review and consideration.

(g) Requires a local public health entity receiving public health data from DSHS under this section to:

(1) maintain the integrity and security of the data; and

(2) comply with state and federal privacy laws.

SECTION 2. Requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement Section 1001.089(e), Health and Safety Code, as added by this Act.

SECTION 3. Effective date: September 1, 2019.