

**Department of State Health Services  
Agenda Item for State Health Services Council  
October 10-11, 2007**

**Agenda Item Title:** Amend 25 TAC, Part 1, Chapter 5, Sections 5.51-5.52, Rules Relating to Poison Control Centers

**Agenda Number:** 4-i

**Recommended Council Action:**

For Discussion Only

For Discussion and Action by the Council

**Background:**

The amended sections as proposed are necessary to comply with Health and Safety Code, Chapter 777, which requires the department to adopt rules concerning regional poison control centers. Government Code, §2001.039, requires that each state agency review and consider for re-adoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001.

**Summary:**

The amendments to §§5.51-5.52 update legacy agency names to reflect the post-consolidation operations of the department and the Health and Human Services Commission. Also, the amendments revise the Amarillo Hospital District as successor to the Northwest Texas Hospital.

**Summary of Stakeholder Input to Date (including advisory committees):**

Stakeholder input will be obtained by posting in the *Texas Register*.

**Proposed Motion:** Motion to recommend HHSC approval for publication of rules contained in agenda item # 4-i.

**Agenda Item Approved by:** Debra Stabeno, Assistant Commissioner  
Prevention and Preparedness Services Division

**Presented by:** John F. Villanacci, PhD

**Title:** Manager, Environmental & Injury Epidemiology and Toxicology Branch

**Program/Division:** Epidemiology & Disease Surveillance

**Contact Name/Phone:** Judy Whitfield/ Ext 6328

**Date Submitted**

8/29/2007

Title 25. HEALTH SERVICES  
Part 1. DEPARTMENT OF STATE HEALTH SERVICES  
Chapter 5. POISON CONTROL CENTERS  
Amendments §§5.51 – 5.52

Proposed Preamble

The Executive Commissioner of the Health and Human Services Commission (commission) on behalf of the Department of State Health Services (department) proposes amendments to §§5.51 - 5.52, concerning regional poison control centers.

BACKGROUND AND PURPOSE

The amended sections as proposed are necessary to comply with Health and Safety Code, Chapter 777, which requires the department to adopt rules concerning regional poison control centers.

Government Code, §2001.039, requires that each state agency review and consider for readoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001, (Administrative Procedure Act). Sections 5.51-5.52 have been reviewed and the department has determined that the reasons for adopting the sections continue to exist because rules on this subject are needed.

SECTION-BY-SECTION SUMMARY

The amendments to §§5.51-5.52 update legacy agency names to reflect the post-consolidation operations of the department and the commission. Also, the amendments revise the Amarillo Hospital District as successor to the Northwest Texas Hospital.

FISCAL NOTE

Casey S. Blass, Director, Disease Prevention and Intervention Section, has determined that for each year of the first five-year period that the sections will be in effect, there will be no fiscal implications to the state or local governments as a result of enforcing or administering the sections as proposed.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Mr. Blass has determined that there will be no effect on small businesses or micro-businesses or persons who are required to comply with the sections as proposed because their business practices will not be altered. There is no anticipated negative impact on local employment.

PUBLIC BENEFIT

In addition, Mr. Blass also has determined that for each year of the first five years the sections are in effect, the public will benefit from amendments of the sections in that the amendments update agency names in order to eliminate possible confusion caused by outdated information in the rule.

## REGULATORY ANALYSIS

The department has determined that this proposal is not a “major environmental rule” as defined by Government Code, §2001.0225. “Major environmental rule” is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

## TAKINGS IMPACT ASSESSMENT

The department has determined that the proposal does not restrict or limit an owner’s right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Government Code, §2007.043

## PUBLIC COMMENT

Comments on the proposal may be submitted to Judy Whitfield, Disease Prevention and Intervention Section, Division for Prevention and Preparedness, Department of State Health Services, 1100 West 49th Street, Austin, Texas 78756, 512/458-7269 or by e-mail to [Judy.Whitfield@dshs.state.tx.us](mailto:Judy.Whitfield@dshs.state.tx.us). Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

## LEGAL CERTIFICATION

The Department of State Health Services General Counsel, Lisa Hernandez, certifies that the proposed rules have been reviewed by legal counsel and found to be within the state agencies’ authority to adopt.

## STATUTORY AUTHORITY

The proposed amendments are authorized by Health and Safety Code, §777.001, which requires the department and the Advisory Commission on State Emergency Communications to jointly adopt rules designating the region for each poison control center; §777.009 which requires the department and the Advisory Commission on State Emergency Communications to jointly adopt rules to establish criteria for awarding grants to regional poison control centers; and Government Code, §531.0055, and Health and Safety Code, §1001.075, which authorize the Executive Commissioner of the commission to adopt rules and policies necessary for the operation and provision of health and human services by the department and for the administration of Health and Safety Code, Chapter 1001. The review of the rules implements Government Code, §2001.039.

The proposed amendments affect the Health and Safety Code, Chapters 777 and 1001; and Government Code, Chapter 531.

Legend: Proposed Amendment

Single Underline = Proposed new language

**[Bold, Print, and Brackets]** = Current language proposed for deletion

Regular Print = Current language

(No Change) = No changes are being considered for the designated subdivision

#### §5.51. General Program Information.

(a) Authority. Health and Safety Code, Chapter 777, provides the Department of State Health Services **[Texas Department of Health]** (department) and the Commission on State Emergency Communications (commission) with the authority to establish a program to award grants to fund a network of regional poison control centers.

(b) (No change.)

(c) The Texas Health and Human Services (HHS) regions shall define the service areas for the Poison Control Answering Points, except where telecommunications network design would greatly increase the cost of routing the system. The regions are as follows:

(1) - (4) (No change.)

(5) **[Northwest Texas Hospital,]** Amarillo Hospital District as successor to Northwest Texas Hospital- HHS Regions 1 and 2; and

(6) (No change.)

#### §5.52. Funding.

(a) Eligibility for funding.

(1) The entities eligible to request funding are the regional poison control centers for the state, designated under the Health and Safety Code, Chapter 777, as follows:

(A) - (D) (No change.)

(E) **[Northwest Texas Hospital,]** Amarillo Hospital District as successor to Northwest Texas Hospital; and

(F) (No change.)

(2) Each poison control center must be certified by the American Association of Poison Control Centers (AAPCC) until a statewide system certification is achieved. The Commission on State Emergency Communications and the Department of State Health Services **[Texas Department of Health]** shall work together with the AAPCC to certify the statewide poison control network and/or individual centers as required.

(b) (No change.)