

VIII. STATUTORY AUTHORITY AND RECENT LEGISLATION

A. Fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2009 – 2013, or earlier significant Attorney General opinions, that affect your agency's operations.

Department of State Health Services Exhibit 12: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency
Alcoholic Beverage Code, § 106.115	Provides for the Department of State Health Services (DSHS) approval and oversight regarding court-ordered alcohol educational programs for certain minors.
Civil Practice & Remedies Code, § 74.102	Creates Texas Medical Disclosure Panel to determine which risks and hazards related to medical care and surgical procedures must be disclosed by healthcare providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure. The disclosure panel is administratively attached to DSHS.
Code of Criminal Procedure, Article 16.22	Provides for examination and transfer of defendants suspected of having mental illness.
Code of Criminal Procedure, Article 18.05	Provides DSHS authority to obtain warrants to inspect for health hazards.
Code of Criminal Procedure, Article 42.12 § 13(h)	Provides for DSHS approval and oversight regarding court-ordered educational programs for individuals convicted of driving while intoxicated (DWI).
Code of Criminal Procedure, Article 42.12 § 13(i)	Provides for DSHS approval and oversight regarding court-ordered educational programs for DWI repeat offenders.
Code of Criminal Procedure, Article 46.020 (hyperlink not available)	Relates to incompetency to stand trial. (This article expired on 01/01/2004 but still has application in certain cases.)

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Code of Criminal Procedure, Article 46.03 (hyperlink not available)	Relates to the insanity defense. (This article expired on 01/01/2004 but still has application in certain cases.)
Code of Criminal Procedure, Chapter 46B	Relates to incompetency to stand trial and the procedures for committing criminal defendants into State Hospitals for competency restoration services.
Code of Criminal Procedure, Chapter 46C	Relates to raising the insanity defense and the procedures for committing defendants into the State Hospitals for mental health services following insanity acquittal.
Code of Criminal Procedure, § 62.4023	Requires the Council on Sex Offender Treatment by rule to establish, develop, or adopt an individual risk assessment tool or a group of individual risk assessment tools that will predict future sexual recidivism and determine the minimum registration period under 42 U.S.C. § 14071 (Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Program) for each reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure.
Education Code, § 29.012	Requires memorandum of understanding (MOU) between state agencies to include DSHS to establish respective responsibilities for free and appropriate public education of children with disabilities in state operated and regulated residential facilities.
Education Code, § 38.001	Relates to immunizations for school-age children and the authority of DSHS.
Education Code, § 51.933	Relates to immunizations for college students and the authority of DSHS.
Education Code, § 51.976	Authorizes DSHS to establish requirements for a training program on warning signs of sexual abuse and child molestation for employees of campus programs for minors.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Education Code, § 61.854	Authorizes DSHS to designate medically underserved areas for resident pharmacists.
Family Code, § 1.03	Relates to the application for a marriage form prescribed by DSHS.
Family Code, § 1.07	Relates to marriage application materials prepared by DSHS concerning human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS).
Family Code, § 1.92	Requires DSHS to develop a declaration of informal marriage form.
Family Code, Chapter 33	Relates to judicial approval for a minor’s abortion and directs DSHS to pay costs of attorney and produce informational material.
Family Code, § 54.033	Requires DSHS to develop protocols for HIV, AIDS, and sexually transmitted diseases (STD) testing of certain children.
Family Code, Chapter 55	Relates to proceedings concerning children with mental illness.
Family Code, Chapter 108	Provides for the administration of certified records of court orders rendered in suits affecting parent-child relationship, adoptions, determinations of paternity, and the records of a child-placing agency that has ceased operations, by the DSHS Bureau of Vital Statistics.
Family Code, § 155.101	Provides that the DSHS Bureau of Vital Statistics identify the court that last had continuing, exclusive jurisdiction of the child in a suit affecting parent-child relationship upon written request of the court, attorney, or a party.
Family Code, § 231.006	Relates to ineligibility to receive state grants or loans or receive payment of state contracts.
Family Code, Chapter 261	Relates to investigations of child abuse or neglect in facilities licensed or operated by DSHS.
Family Code, § 264.503	Requires DSHS to collect data concerning child fatalities.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Government Code, Chapter 403	Establishes certain permanent funds from tobacco settlement monies with interest to be appropriated to DSHS.
Government Code, Chapter 411, Subchapter F	Authorizes DSHS access to criminal history record information for various applicants and holders of DSHS licenses and employment.
Government Code, § 418.186	Establishes a disaster and emergency education program.
Government Code, § 501.054	Requires the Department of Criminal Justice to consult with DSHS concerning an HIV and AIDS education program for inmates and employees.
Government Code, Chapter 531	Relates to the Health and Human Services Commission (HHSC) and its authority in regard to health and human services (HHS) agencies, including DSHS.
Government Code, Chapter 664, State Employees Health Fitness and Education Act of 1983	Allows agencies to establish fitness programs and requires DSHS to approve them.
Government Code, Chapter 2105	Relates to the administration of block grants.
Government Code, § 2105.009	Authorizes DSHS to administer the federal primary care block grant.
Government Code, §§ 2165.301-305	Requires DSHS to conduct any necessary investigation and testing of indoor air quality in state buildings, on request or referral of an entity with charge and control of the state building.
Health and Safety Code, Chapter 11	Relates to the organization of DSHS.
Health and Safety Code, Chapter 12	Relates to powers and duties of DSHS. Includes provisions regarding distribution of certain vaccines and sera. Allows DSHS to enter into a contract for the sale of lab services, and requires regulatory programs to charge licensing fees in an amount to recover costs of administration.
Health and Safety Code, § 12.092	Authorizes the Commissioner to appoint members to the Medical Advisory Board (attached to DSHS) to make medical reviews of applications to the Department of Public Safety for driver's licenses and/or gun permits.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 13	Relates to DSHS hospitals and respiratory facilities, including Texas Center for Infectious Diseases.
Health and Safety Code, Chapter 31, Texas Primary Health Care Services Act	Provides for delivery of primary healthcare services directly by DSHS and through contractors.
Health and Safety Code, Chapter 32, Maternal and Infant Health Improvement Act	Authorizes provision of comprehensive maternal and infant health improvement services and ancillary services to eligible women and infants directly by DSHS or through contractors, and the development of a statewide network of voluntary perinatal healthcare systems, including coordination with adjoining states.
Health and Safety Code, Chapter 33	Requires (with religious opt-out) screening tests for newborns to detect certain phenylketonuria, hypothyroidism, sickle-cell trait, other heritable diseases, and other disorders and establishment of a laboratory by DSHS. Also authorizes provision of diagnostic and/or treatment services by DSHS or through contractors to eligible individuals. Requires DSHS to disclose (via a document that providers must give parents) allowable post-testing uses of blood spots, with parents able to consent (opt-in) for a larger set of residual uses, as described in the statute and allows parent, managing conservator, or guardian of a newborn child (or the child upon majority) to opt-out and direct destruction of the blood spot once testing is completed. If the parent does not opt-in, then DSHS may only allow a smaller set of residual uses, after which the samples must be destroyed two years after collection.
Health and Safety Code, Chapter 35, Children with Special Health Care Needs Act	Authorizes provision of early identification, diagnosis and evaluation, rehabilitation, and case management services to eligible chronically ill and disabled children through providers.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 36	Relates to the special senses and communications program at DSHS for screening children.
Health and Safety Code, Chapter 37	Requires screening of children attending public and private schools in grades 6 and 9 for abnormal spinal curvature by health practitioners or by persons certified through a training program approved by DSHS.
Health and Safety Code, Chapter 38	Establishes a program to detect and treat pediculosis in minors.
Health and Safety Code, Chapter 39	Establishes a children’s outreach heart program to provide prediagnostic cardiac screening and follow-up evaluation services to eligible individuals, and to train local physicians and public health nurses in screening and diagnostic procedures.
Health and Safety Code, Chapter 40	Establishes the epilepsy program at DSHS.
Health and Safety Code, Chapter 41	Provides for continuing treatment with blood, blood derivatives, or manufactured pharmaceutical products for eligible individuals with hemophilia through approved providers.
Health and Safety Code, Chapter 42	Provides that DSHS may assist in the development and expansion of programs for the care and treatment of persons with chronic kidney disease, including dialysis and other lifesaving medical procedures and techniques.
Health and Safety Code, Chapter 43, Texas Oral Health Improvement Act	Authorizes provision of comprehensive oral health services to eligible individuals.
Health and Safety Code, Chapter 44, Sexual Assault Prevention and Crisis Services Act	Authorizes DSHS to promote statewide development of locally based and supported nonprofit programs for survivors of sexual assault and to develop and distribute a protocol and kits to collect and preserve evidence of a sexual assault.
Health and Safety Code, Chapter 45	Allows DSHS to distribute child passenger safety seat systems.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 46	Authorizes DSHS to reimburse costs of tertiary medical and stabilization services.
Health and Safety Code, Chapter 47	Establishes a newborn hearing screening program at DSHS.
Health and Safety Code, Chapter 48	Authorizes DSHS to regulate promotores and community health workers.
Health and Safety Code, Chapter 61, Indigent Health Care and Treatment Act	Requires DSHS to establish standards for counties whose indigent residents require healthcare assistance and reporting requirements for governmental hospitals and counties.
Health and Safety Code, Chapter 81, Communicable Disease Prevention and Control Act	Gives DSHS powers and duties related to the prevention and makes responsible for the control of communicable disease. Includes provisions regarding emergencies, confidentiality, (including special provisions regarding HIV test results), reporting requirements, issues related to HIV tests, notice requirements, and investigative powers; requires reports of certain diseases; sets out procedures for the imposition of control measures for persons who have or are suspected of having a communicable disease, for court-ordered management of persons who violate those control measures and quarantine, and for court-ordered management of persons with communicable diseases. Establishes certain criminal penalties.
Health and Safety Code, Chapter 82, Texas Cancer Incidence Reporting Act	Establishes the cancer registry at DSHS.
Health and Safety Code, Chapter 83	Requires DSHS to collect reports on exposure to Agent Orange.
Health and Safety Code, Chapter 84, Occupational Disease Reporting Act	Requires DSHS to collect reports on occupational conditions.
Health and Safety Code, Chapter 85, Human Immunodeficiency Virus Services Act	Establishes several tasks and programs at DSHS dealing with HIV and AIDS, including the HIV Medication Program. Also contains hepatitis B prevention provisions.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 86	Establishes the breast cancer program at DSHS.
Health and Safety Code, Chapter 87	Requires DSHS to collect reports on and study birth defects.
Health and Safety Code, Chapter 88	Requires DSHS to collect reports on childhood lead poisoning.
Health and Safety Code, Chapter 89	Gives DSHS certain powers and responsibilities regarding tuberculosis screening in jails (but not state prisons).
Health and Safety Code, Chapter 90	Establishes the osteoporosis education program at DSHS.
Health and Safety Code, Chapter 91	Establishes the prostate cancer education program at DSHS.
Health and Safety Code, Chapter 92	Creates an injury control and reporting system at DSHS.
Health and Safety Code, Chapter 98	Establishes the Texas Health Care-Associated Infection Reporting System.
Health and Safety Code, Chapter 101	Establishes the Texas Council on Alzheimer's Disease and Related Disorders, which advises DSHS.
Health and Safety Code, Chapter 103	Establishes the Texas Diabetes Council.
Health and Safety Code, Chapter 104	Establishes Statewide Health Coordinating Council, provides for state health planning and data collection, and designates DSHS as the state health planning and development agency for Texas.
Health and Safety Code, Chapter 105	Requires DSHS to establish a comprehensive health professions resource center for the collection and analysis of educational and employment trends for health professions in the state.
Health and Safety Code, Chapter 108	Relates to the Health Care Information Council, now DSHS.
Health and Safety Code, Chapter 113	Establishes membership, powers, and duties of the Texas Organ, Tissue, and Eye Donor Council for which DSHS provides administrative support.
Health and Safety Code, Chapter 121, Local Public Health Reorganization Act	Relates to the relationship of local health departments and DSHS.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 123	Establishes a public health extension service pilot program in Health Service Region 11, a region of the state that may be particularly vulnerable to biosecurity threats, disaster, and other emergencies.
Health and Safety Code, Chapter 141 , Texas Youth Camp Safety and Health Act	Licenses and regulates youth camp safety for children under 18.
Health and Safety Code, Chapter 143 , Texas Industrial Homework Act	Allows DSHS to regulate industrial homework.
Health and Safety Code, Chapter 144 , Texas Renderer’s Licensing Act	Requires that renderers be licensed and follow sanitation requirements.
Health and Safety Code, Chapter 145	Authorizes DSHS to license and inspect tanning facilities and tanning devices.
Health and Safety Code, Chapter 146	Authorizes DSHS to license and inspect tattoo studios.
Health and Safety Code, Chapter 161 , Subchapter A	Relates to various requirements pertaining to immunizations, including mandate for DSHS to adopt an immunization schedule for children. Also contains language regarding claiming religious belief/conscience as an exemption from immunization requirements for children, and establishes the immunization registry. Establishes provider choice system for certain vaccines.
Health and Safety Code, Chapter 161 , Subchapter C	Allows DSHS to conduct epidemiologic or toxicologic investigations.
Health and Safety Code, Chapter 161 , Subchapter J	Requires DSHS to conduct tests for lead.
Health and Safety Code, Chapter 161 , Subchapter K	Prohibits tobacco sales to minors; requires DSHS to implement.
Health and Safety Code, Chapter 161 , Subchapter L	Relates to reporting to DSHS abuse and neglect or illegal, unprofessional, or unethical conduct in certain licensed healthcare facilities.
Health and Safety Code, Chapter 161 , Subchapter N	Requires the Commissioner of DSHS to approve tobacco awareness programs that are court-ordered for minors.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 164 , Treatment Facilities Marketing Practices Act	Relates to marketing practices by mental health and chemical dependency treatment facilities and enforcement by the state licensing agency, including DSHS.
Health and Safety Code, § 166.083	Authorizes DSHS to create, per rule, a standard form for an Out-of-Hospital Do-Not-Resuscitate Order (OOH-DNR) and other rules related to OOH-DNRs.
Health and Safety Code, §170.002	Provides for certification to DSHS of the abortion of a viable unborn child.
Health and Safety Code, Chapter 171	Relates to DSHS enforcement authority of Woman’s Right to Know Act and publication of informational materials. Requires particular information be provided before an abortion may be performed.
Health and Safety Code, Chapters 191, 192, 193, 194, and 195	Provides for the administration of vital statistics by DSHS.
Health and Safety Code, Chapter 222	Relates to surveys of hospitals by DSHS.
Health and Safety Code, Chapter 241 , Texas Hospital Licensing Law	Provides for licensing and regulation of general and special hospitals by DSHS.
Health and Safety Code, Chapter 243 , Texas Ambulatory Surgical Center Licensing Act	Provides for licensing and regulation of ambulatory surgical centers by DSHS.
Health and Safety Code, Chapter 244 , Texas Birthing Center Licensing Act	Provides for licensing and regulation of birthing centers by DSHS.
Health and Safety Code, Chapter 245 , Texas Abortion Facility Reporting and Licensing Act	Provides for licensing and regulation of abortion facilities by DSHS.
Health and Safety Code, Chapter 248 , Texas Special Care Facility Licensing Act	Provides for licensing and regulation of special care facilities by DSHS.
Health and Safety Code, Chapter 250	Provides for criminal background checks and nurse aide registry checks for hiring of employees and appointment of volunteers within State Hospitals.
Health and Safety Code, Chapter 251	Provides for licensing and regulation of end stage renal disease facilities by DSHS.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 254	Provides for licensing and regulation of freestanding emergency medical care facilities by DSHS.
Health and Safety Code, Chapter 311	Relates to powers and duties of hospitals, hospitals reporting data to DSHS, and limited liability certification and provides DSHS with certain enforcement authority.
Health and Safety Code, § 312.005	Authorizes DSHS to approve contracts regarding dental and medical education in public hospitals.
Health and Safety Code, Chapter 314	Relates to DSHS approval of certain cooperative agreements among hospitals.
Health and Safety Code, § 321.002	Requires agencies, including DSHS, to develop a bill of rights for inpatient mental health, chemical dependency, and comprehensive medical rehabilitation services patients.
Health and Safety Code, Chapter 322	Relates to the use of restraint and seclusion in certain healthcare facilities, including mental hospitals, mental health facilities, and chemical dependency treatment facilities and requires promulgation of rules.
Health and Safety Code, Chapter 341	Provides minimum standards of sanitation and health protection measures; allows DSHS to inspect general sanitation conditions, regulate swimming pools, regulate water parks, and investigate public health nuisances.
Health and Safety Code, Chapter 343	Defines and regulates public health nuisances in unincorporated areas of a county. DSHS is only involved if there is no other local health authority.
Health and Safety Code, Chapter 345	Regulates the manufacture and sale of new and renovated bedding.
Health and Safety Code, Chapter 385	Allows DSHS to establish voluntary guidelines for indoor air quality for public schools.
Health and Safety Code, Chapter 401, Texas Radiation Control Act	Requires DSHS to regulate the use, user, and sources of radiation.
Health and Safety Code, Chapter 401, Subchapter M	Provides for licensing and regulation of laser hair removal facilities by DSHS.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 431 , Texas Food Drug and Cosmetic Act	Regulates all manufacturers, re-packers, brokers, and distributors of foods, drugs, devices, and cosmetics. Regulations include the labeling and advertisement of the products. Also allows the issuance of Certificates of Free Sale for exporting purposes.
Health and Safety Code, Chapter 432 , Food, Drug, Device and Cosmetic Salvage Act	Provides DSHS with the authority to license and regulate food, drug, device, and cosmetic salvage establishments and salvage brokers.
Health and Safety Code, Chapter 433	Provides for the inspection of meat and poultry products and regulates the labeling of the products.
Health and Safety Code, Chapter 434	Authorizes DSHS to regulate the production, preparation, storage, and display of bakery products intended for sale and human consumption.
Health and Safety Code, Chapter 435	Provides DSHS with the authority to regulate milk and milk products produced, processed, or manufactured in Texas or imported from other states.
Health and Safety Code, Chapter 436 , Texas Aquatic Life Act	Provides DSHS with the authority to regulate shellfish plant facilities and the harvesting, transporting, storing, handling, and packaging of shellfish.
Health and Safety Code, Chapter 437 , Regulation of Food Service Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors	Authorizes DSHS to adopt rules to regulate food service establishments, retail food stores, mobile food units, and roadside vendors in areas not regulated by a county or public health district. Requires DSHS to set minimum standards for permitting sanitation, which may be adopted by counties or public health districts for regulating these entities. If no local regulation, then DSHS regulates.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 438 , Public Health Measures Relating to Food	Authorizes DSHS to regulate unpacked foods, sterilization of food service items, infected food handlers, and food service worker training. Authorizes DSHS to accredit food sanitation programs, perform examination audits of accredited programs, and publish a quarterly class schedule.
Health and Safety Code, Chapter 439	Authorizes DSHS to regulate the manufacture, sale, and administration of laetrile and dimethyl sulfoxide.
Health and Safety Code, Chapter 440 , Frozen Desserts Manufacturer Licensing Act	Provides DSHS with authority to regulate the manufacture of frozen desserts.
Health and Safety Code, Chapter 461	Relates to the powers and duties of DSHS relating to alcohol and substance abuse programs.
Health and Safety Code, Chapter 462	Relates to the voluntary and involuntary treatment of chemically dependent persons.
Health and Safety Code, Chapter 464	Provides for DSHS licensing and regulation of chemical dependency treatment facilities and registration of faith-based exempt chemical dependency treatment programs.
Health and Safety Code, Chapter 466	Gives DSHS the authority to license and regulate narcotic drug treatment programs.
Health and Safety Code, Chapter 467	Authorizes peer assistance programs to be established under minimum criteria established by DSHS guidance.
Health and Safety Code, Chapter 469	Relates to drug court programs.
Health and Safety Code, Chapter 481 , Texas Controlled Substances Act	Gives DSHS the authority to schedule, reschedule, and de-schedule controlled substances and to regulate the manufacture, distribution, and dispensing of controlled substances, chemical precursors, and chemical laboratory apparatus.
Health and Safety Code, Chapter 482	Provides criminal penalties for unlawful delivery or manufacture of simulated controlled substances (“look-alike” drugs).

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 483 , Dangerous Drug Act	Sets out who may possess or distribute a dangerous drug and allows the Commissioner of DSHS to limit drugs that are misused and abused to the prescription of a practitioner. Outlines the duties of pharmacists, practitioners, and other persons in the dispensing of dangerous drugs.
Health and Safety Code, Chapter 485	Regulates the sale, delivery, and misuse of abusable volatile chemicals, glues, and aerosol paints.
Health and Safety Code, Chapter 486	Establishes programs and initiatives to prevent the manufacture and use of methamphetamine; requires DSHS to implement a methamphetamine watch program for retailers of pseudoephedrine products and administer a prevention and education program for students, parents, and educators.
Health and Safety Code, Chapter 486	Ensures uniform and equitable implementation and enforcement throughout the state in the regulation of over-the-counter sales of products that contain ephedrine, pseudoephedrine, or norpseudoephedrine.
Health and Safety Code, Chapter 501	Regulates the use and labeling of hazardous substances, including toys and children's clothing.
Health and Safety Code, Chapter 502	Requires public employers to provide information, training, and appropriate personal protective equipment to their employees who may be exposed to hazardous chemicals in their workplaces, maintain a chemical list, train employees, and provide records to DSHS regarding hazardous chemicals in the workplace.

Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 505 , Manufacturing Facility Community Right To Know Act	Requires that operators of certain types of facilities provide emergency personnel, DSHS, and the public with information concerning hazardous chemicals at the facility to which persons may be exposed during emergency situations or as a result of proximity to the facility.
Health and Safety Code, Chapter 506 , Public Employer Community Right to Know Act	Requires public employers to provide emergency personnel, DSHS, and the public with information concerning hazardous chemicals to which persons may be exposed during emergency situations or as a result of proximity to the facility.
Health and Safety Code, Chapter 507 , Non-Manufacturing Facilities Community Right to Know Act	Requires employers who are not subject to Health and Safety Code, Chapters 505 or 506, to provide emergency personnel, DSHS, and the public with information concerning hazardous chemicals to which persons may be exposed during emergency situations or as a result of proximity to the facility.
Health and Safety Code, Chapters 531, 532, and 533	Relates to the organization and duties of the former TDMHMR.
Health and Safety Code, Chapter 534	Relates to the establishment of community centers and provision of community services.
Health and Safety Code, Chapter 535	Relates to the in-home and family support program.
Health and Safety Code, Chapter 551	Relates to the powers and duties related to State Hospitals.
Health and Safety Code, Chapter 552.001	Designates service areas of State Hospitals.
Health and Safety Code, Chapter 552.011 – 552.019	Relates to the support of indigent and non-indigent patients in State Hospitals.
Health and Safety Code, Chapter 554.001 – 554.002	Provides admission criteria for Waco Center for Youth.
Health and Safety Code, Chapter 571	Relates to assessment of administrative penalties by DSHS against private mental facilities. Also provides definitions and general provisions applicable to the operations of State Hospitals.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapters 571, 572, 573, 574, 575, and 576 Texas Mental Health Code	Provides persons having severe mental illness access to humane care and treatment.
Health and Safety Code, Chapter 577	Provides for licensing and regulation of private mental facilities by DSHS.
Health and Safety Code, Chapter 578	Relates to the use and reporting of electroconvulsive therapy.
Health and Safety Code, Chapter 611	Relates to the confidentiality of mental health records.
Health and Safety Code, Chapter 612	Relates to the Interstate Compact on Mental Health.
Health and Safety Code, § 614.001 – 614.020	Establishes the Texas Correction Office on Offenders with Medical and Mental Impairments.
Health and Safety Code, § 615.001	Relates to county responsibility for support of persons with mental illness.
Health and Safety Code, § 615.002	Relates to access to mental health records by protection and advocacy system.
Health and Safety Code, Chapter 671, Subchapter A	Relates to the pronouncement of death by employees of healthcare facilities pursuant to rules adopted by the Board of Health.
Health and Safety Code, § 673.004	Requires DSHS to develop a model program concerning sudden infant death syndrome.
Health and Safety Code, § 674.001	Relates to fetal and infant mortality review.
Health and Safety Code, Chapter 692A, Uniform Anatomical Gift Act	Establishes the operation of the Glenda Dawson Donate Life-Texas Registry and DSHS educational program.
Health and Safety Code, Chapter 751, Texas Mass Gathering Act	Requires that mass gatherings be conducted in accordance with minimum standards of health and sanitation prescribed by DSHS.
Health and Safety Code, Chapter 757	Provides that DSHS may adopt stricter rules for design and construction of pool yard enclosures.
Health and Safety Code, § 756.061	Provides for inspecting of playgrounds (youth camps) and day cares inspected by agreement with the Department of Family and Protective Services (DFPS).
Health and Safety Code, Chapter 768	Relates to the safety of children who participate in rodeos.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Health and Safety Code, Chapter 773 , Emergency Medical Services Act	Provides for the regulation of emergency medical services (EMS); licensing of EMS ambulance providers; certification and licensing of EMS personnel, EMS information operators, EMS instructors, and course coordinators; approval of EMS education and training programs; licensing of EMS first responder organizations; and designating of trauma facilities and trauma care systems.
Health and Safety Code, Chapter 777	Governs the relationship of DSHS and regional poison control centers.
Health and Safety Code, Chapter 823	Makes DSHS partially responsible for the regulation of animal shelters.
Health and Safety Code, Chapter 824	Makes DSHS partially responsible for the regulation of circuses, carnivals, and zoos.
Health and Safety Code, Chapter 826 , Rabies Control Act of 1981	Makes DSHS partially responsible for the control of rabies.
Health and Safety Code, Chapter 827	Makes DSHS responsible for the registration of riding stables.
Health and Safety Code, Chapter 841	Establishes the Civil Commitment of Sexually Violent Predators Act and requires the Council on Sex Offender Treatment to provide appropriate and necessary treatment and supervision through the case management system.
Health and Safety Code, Chapter 1001	Establishes the powers and duties of DSHS and creates the State Health Services Council.
Human Resources Code, Chapter 42.043	Regards immunizations in certain facilities providing childcare services.
Human Resources Code, Chapter 48	Relates to investigation of abuse, neglect, or exploitation of elderly or disabled persons in facilities licensed or operated by DSHS.
Occupations Code, Chapter 110	Provides for the licensing and regulation of sex offender treatment providers by the Council on Sex Offender Treatment.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Occupations Code, § 157.052	Authorizes DSHS to designate sites serving medically underserved populations to use advanced nurse practitioners and physician assistants.
Occupations Code, Chapter 203, Texas Midwifery Act	Establishes the Texas Midwifery Board and regulates the professional activities of persons who practice midwifery.
Occupations Code, Chapter 352	Provides for the registration and regulation of registered dispensing opticians and registered spectacle dispensers by DSHS.
Occupations Code, Chapter 353	Provides that DSHS will issue contact lens dispensing permits and regulate the practice of contact lens dispensing in cooperation with other agencies.
Occupations Code, Chapter 401	Provides for the licensing and regulation of speech language pathologists and audiologists by the State Board of Examiners of Speech-Language Pathology and Audiology. DSHS provides personnel and facilities to accomplish this law.
Occupations Code, Chapter 402	Provides for the licensing and regulation of fitters and dispensers of hearing instruments by the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments. DSHS provides personnel and facilities to accomplish this law.
Occupations Code, Chapter 403	Provides for licensing and regulation of dyslexia practitioners and dyslexia therapists by DSHS.
Occupations Code, Chapter 451	Provides for the licensing and regulation of athletic trainers by the Advisory Board of Athletic Trainers. DSHS provides personnel and facilities to accomplish this law.
Occupations Code, Chapter 455	Provides for the registration and regulation of massage therapists by DSHS.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Occupations Code, Chapter 502	Provides for the licensing and regulation of marriage and family therapists by the Texas State Board of Examiners of Marriage and Family Therapists. DSHS provides personnel and facilities to accomplish this law.
Occupations Code, Chapter 503	Provides for the licensing and regulation of professional counselors by the Texas State Board of Examiners of Professional Counselors. DSHS provides personnel and facilities to accomplish this law.
Occupations Code, Chapter 504	Provides for DSHS regulation and applicable registration, certification, licensing, or approval of chemical dependency counselors; registration of counselor interns and clinical training institutions; and certification of certified clinical supervisors and peer assistance programs for chemical dependency counselors. Provides for DSHS funding of peer assistance program.
Occupations Code, Chapter 505, Social Work Practice Act	Provides for the licensing and regulation of social workers by the Texas State Board of Social Worker Examiners. DSHS provides personnel and facilities to accomplish this law.
Occupations Code, Chapter 601	Provides for the certification and regulation of medical radiological technologists by DSHS.
Occupations Code, Chapter 602	Provides for the licensing and regulation of medical physicists by the Texas Board of Licensure for Professional Medical Physicists. DSHS provides personnel and facilities to accomplish this law.
Occupations Code, Chapter 603	Provides for the licensing and regulation of perfusionists.
Occupations Code, Chapter 604	Provides for the certification and regulation of respiratory care practitioners by DSHS.
Occupations Code, Chapter 605	Provides for the licensing and regulation of orthotists and prosthetists by the Texas Board of Orthotics and Prosthetics. DSHS provides personnel and facilities to accomplish this law.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Occupations Code, Chapter 701	Provides for the licensing and regulation of dietitians by the State Board of Examiners of Dietitians. DSHS provides personnel and facilities to accomplish this law.
Occupations Code, Chapter 1702	Provides for the licensing and regulation of businesses and individuals that sell and/or install personal emergency response systems.
Occupations Code, Chapter 1952	Provides for the registration of code enforcement officers by DSHS and reserves the use of the title code enforcement officer to such registrants.
Occupations Code, Chapter 1953	Provides for the registration of sanitarians by DSHS and reserves the use of the title sanitarian to such registrants.
Occupations Code, Chapter 1954 , Texas Asbestos Health Protection Act	Provides DSHS with the statutory authority to regulate the handling of asbestos and to license persons who work with asbestos.
Occupations Code, Chapter 1955	Provides for regulation relating to safe removal of lead-based paint.
Occupations Code, Chapter 1958	Provides for licensing of mold assessors, remediators, and labs.
Penal Code, § 38.15	Criminalizes interference with a person who is assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state.
Transportation Code, § 455.0015	Provides for DSHS to contract with Texas Department of Transportation for client transportation services.
Transportation Code, § 521.374 - 521.377	Provides for DSHS approval and oversight of educational program for convicted drug offenders.
Water Code, §§ 5.013 and 7.002	Enables and circumscribes the Texas Commission on Environmental Quality authority over medical waste disposal, in collaboration with DSHS.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
Water Code, § 17.933	Authorizes DSHS to make public health nuisance determinations for purposes of the Texas Water Development Board’s Economically Distressed Areas Program.
Constitution Article I, Section 15	Relates to the right of trial by jury.
Constitution Article I, Section 15a	Relates to the commitment of persons of unsound mind.
Constitution Article 9, Section 13	Relates to the participation of political subdivisions in mental health or public health services.
Constitution Article 16, Section 6	Relates to state participation in programs for mentally handicapped.
Acts 1991, 72nd Legislature, First Called Session, Chapter 15 (H.B. 7)	Establishes HHSC; relates to the transfer of certain programs from one HHS agency to another; creates the Department of Public Health.
Acts 1993, 73rd Legislature, Chapter 747 (H.B. 1510)	Relates to transfer of programs between HHS agencies, repealed legislation for Department of Public Health.
Acts 1995, 74th Legislature, Chapter 6 (S.B. 509)	Clarifies authority of HHSC to delegate operation of portions of Medicaid program to HHS agencies.
Acts 1999, 76th Legislature, Chapter 264 (H.B. 1748)	Relates to construction of Texas Center for Infectious Diseases.
Acts 1999, 76th Legislature, Chapter 1106 (H.B. 3504), as amended by S.B. 815, 79th Legislature, 2005.	Relates to construction for South Texas Health Care System.
8 U.S.C. § 1522(b)(5)	Relates to federal grants for refugee health screening.
15 U.S.C. § 1191, et seq., Federal Flammable Fabrics Act	Sets standards for flammability for bedding.
15 U.S.C. § 1261, et seq., Federal Hazardous Substances Act	Sets definitions for hazardous substances used in Health and Safety Code, Chapter 501.
15 U.S.C. §§ 2641-2656, Toxic Substances Control Act, Ch. 53, Subchapter II, Asbestos Hazard Emergency Response	Provides requirements for management of asbestos in schools that are enforced under Occupations Code, Chapter 1954.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
15 U.S.C. §§ 2681-2692 , Toxic Substances Control Act, Ch. 53, Subchapter IV, Lead Exposure Reduction	Provides requirements for lead abatement contractor training and certification that are the basis for the state program requirements under Occupations Code, Chapter 1955.
15 U.S.C. Ch. 106, §§ 8001-8008 , Virginia Graeme Baker Pool and Spa Safety Act	Provides suction device standards for which DSHS must adopt standards at least as stringent under Health and Safety Code, § 341.0645.
21 U.S.C. § 301, et seq. , Federal Food, Drug, and Cosmetic Act Animal Drug Amendments of 1968 Controlled Substances Act Orphan Drug Act and Amendments of 1985 & 1988 Drug Price Competition and Patent Term Restoration Act of 1984 Prescription Drug Marketing Act of 1987 Prescription Drug Amendment of 1992 Prescription Drug User Fee Act of 1992 Anabolic Steroids Control Act of 1990 Generic Drug Enforcement Act of 1992 Medical Device Amendments of 1976 and 1992 Safe Medical Devices Act of 1990	Establishes federal requirements that DSHS has adopted by reference or uses as models for regulating the safety of food, drugs, and cosmetics.
21 U.S.C. § 451, et seq. , Federal Poultry Inspection Act	Provides standards that DSHS follows in inspecting poultry products.
21 U.S.C. § 601, et seq. , Federal Meat Inspection Act	Provides standards that DSHS follows in inspecting meat products.
29 U.S.C. Ch. 15, §§ 651 – 678 , Occupational Health and Safety Act of 1970	Sets definitions for hazardous chemicals used in Health and Safety Code, Chapter 502
42 U.S.C. §§ 201, 246, 300e-4, 300k, 300k-1, 300k-2, 300k-3, 300l, 300l-1, 300m, 300q, 300q-2, 300v, 300s, 300s-6, 300t, 300t-11, 300t-13, 300t-14, 1396b , (P.L. 93-641, P.L. 96-79), National Health Planning and Resources Development Act of 1974 and the Health Planning and Resources Development Amendments of 1979	Provides for the establishment of a state health planning and development agency in each state for effective health planning and resources development programs.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
42 U.S.C. § 243	Sets the standards that all states with a shellfish program must follow.
42 U.S.C. § 247a	Establishes family support groups for Alzheimer’s patients.
42 U.S.C. § 247b	Authorizes grants on prevention and education on tuberculosis.
42 U.S.C. § 247b-1	Establishes lead poisoning prevention and education grants.
42 U.S.C. § 247b-3	Establishes grants on education, technology assessment, and epidemiology regarding lead poisoning.
42 U.S.C. § 247b-4	Encourages states to collect and analyze epidemiological data on birth defects.
42 U.S.C. § 247b-5	Provides grants for preventive health measures with regard to prostate cancer.
42 U.S.C. § 247b-6	Provides grants for preventive health services with regard to tuberculosis.
42 U.S.C. § 247c to c-1	Establishes STD prevention and control projects.
42 U.S.C. §§ 262 and 263	Regulates biological products/clinical laboratories.
42 U.S.C. § 263a	Provides for the certification of laboratories.
42 U.S.C. § 280 to 280b-3	Provides for control of and research into injuries.
42 U.S.C. §§ 280c-3 to 280c-5	Establishes grants for demonstration projects with respect to Alzheimer’s disease.
42 U.S.C. §§ 280e to 280e-4	Establishes a national program of cancer registries.
42 U.S.C. §§ 285c to 285c-7	Creates the National Institute of Diabetes.
42 U.S.C. §§ 285e to 285e-8	Establishes the National Institute on Aging with various functions relating to Alzheimer’s disease.
42 U.S.C. §§ 285l to 285l-1	Establishes a national institute of environmental health sciences.
42 U.S.C. § 290dd-2	Relates to the confidentiality of substance abuse records.

**Department of State Health Services
Exhibit 12: Statutes/Attorney General Opinions**

Statutes	
Citation/Title	Authority/Impact on Agency
42 U.S.C. § 300a	Authorizes federal grants to state health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services.
42 U.S.C. §§ 300aa-1 to 300aa-34	Establishes the National Vaccine Program and the National Vaccine Injury Compensation Program.
42 U.S.C. §§ 300dd-21 to 300dd-41	Establishes grants for health services with respect to AIDS.
42 U.S.C. §§ 300ee to 300ee-34	Establishes grants for AIDS prevention.
42 U.S.C. §§ 300ff to 300ff-111 , The Ryan White Comprehensive AIDS Resources Act of 1991	Establishes grants for services to individuals afflicted with HIV and AIDS.
42 U.S.C. §§ 300g to 300j-26	Provides for the safety of public water systems.

Attorney General Opinions		
OAG Opinion No.	Year	Impact on Agency
GA-877	2011	Responsibility for an individual who is the subject of an emergency detention order.
GA-803	2010	Whether a facility must have a license to perform medical abortions, and whether drugs to induce an abortion must be ingested in the presence of the prescribing physician.
GA-753	2009	Whether a peace officer who has taken a person into custody under Chapter 573, Texas Health and Safety Code, may be required to transport that individual to a medical facility for evaluation prior to taking the person to a mental health facility.
GA-729	2009	Whether DSHS has the authority to enforce state asbestos regulations against municipalities.

B. Provide a summary of recent legislation regarding your agency by filling in the chart below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency.

Department of State Health Services Exhibit 13: 83rd Legislative Session Chart		
Legislation Enacted – 83rd Legislative Session		
Bill Number	Author	Summary of Key Provisions
*H.B. 15	Kolkhorst	<ul style="list-style-type: none"> • Requires the Health and Human Services Commission (HHSC) to assign levels of care designations to each hospital based on neonatal and maternal services provided pursuant to rules adopted no later than March 1, 2017. • Links designations to Medicaid reimbursement. • The Neonatal Intensive Care Unit designation process will be advised by a newly created Perinatal Advisory Council. The Executive Commissioner appoints members to the council.
*H.B. 740	Crownover	<ul style="list-style-type: none"> • Allows DSHS to authorize a newborn screening test for critical congenital heart disease (CCHD). DSHS must consider cost implications for providers. • Requires birthing facilities to perform any authorized CCHD screening prior to a newborn’s discharge, except in detailed instances. • Specifies that parents may decline the screening for their newborn. • Increases the composition of the Newborn Screening Advisory Committee. • Requires the Committee to advise DSHS on each disorder included in the core and secondary conditions under the Recommended Uniform Screening Panel of the Secretary’s Advisory Committee on Heritable Disorders in Newborns and Children, and to review the necessity of requiring additional screening tests.
*H.B. 746	Ashby	<ul style="list-style-type: none"> • Places limitations on civil liabilities for volunteer medical and veterinary care practitioners during declared

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
		<p>emergencies, to allow them to be deployed and practice during disasters within Texas scope of practice laws.</p> <ul style="list-style-type: none"> • Requires DSHS to administer the volunteer health practitioner registration system and to ensure a criminal background check and verification of licensing and registration in the volunteer’s home state.
H.B. 970	E. Rodriguez	<ul style="list-style-type: none"> • Expands the types of foods that a cottage food operation may produce and the locations at which such an operation can sell its products. • Establishes additional regulations regarding the sale of cottage food products. • Amends current law relating to a local government’s authority to regulate cottage food production operations. • Prevents municipal zoning ordinances from prohibiting use of a home for cottage food production.
*H.B. 1023	Burkett	<ul style="list-style-type: none"> • Requires HHSC to use existing information and data available through state and nongovernmental entities, and through the Statewide Health Coordinating Council, to complete a report on mental health workforce shortages in Texas. • HHSC may delegate this report to another health and human services agency. • Report must include recommendations for improving the mental health workforce, and it must account for the feasibility, costs and benefits, and any needed legislative changes for each recommendation.
H.B. 1081	M. Gonzalez	<ul style="list-style-type: none"> • Requires that the Texas Animal Health Commission conduct a study regarding the current risk level of bovine tuberculosis in El Paso County, which is currently designated as a movement restriction zone. • DSHS has been prohibited from issuing a permit to dairy producers located in the movement restriction zone for bovine tuberculosis since 2001.
H.B. 1376	Kolkhorst	<ul style="list-style-type: none"> • Requires hospital-owned-and-operated freestanding emergency medical facilities that bill patients at emergency room rates to advertise as emergency rooms.

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
		<ul style="list-style-type: none"> • Requires these facilities to notify prospective patients that the facility is an emergency room and charges rates comparable to a hospital emergency room.
H.B. 1382	Simpson	<ul style="list-style-type: none"> • Prohibits the regulation of food sold to consumers at farms or farmers’ markets. • Provides for sanitary conditions for the preparation and distribution of food at a farm or farmers’ market. • Prohibits the sale of or provision of samples of raw milk or raw milk products at a farmers’ market.
*H.B.1392	S. King	<ul style="list-style-type: none"> • Requires DSHS to provide a reasonable and substantial response to inquiries about food regulations within 30 days. • Requires DSHS to provide an official written determination regarding the applicability of a food regulation to a specific circumstance within 30 days. • Prohibits an inspector from issuing a citation to a person for a violation of a food regulation if the person provides the inspector with an official determination that contradicts the opinion of the inspector. • Requires HHSC to review periodically food rules and regulations to ensure the rules are consistent and clearly communicated to the public.
*H.B. 1394	S. King	<ul style="list-style-type: none"> • Subjects Texas Health Care Information Collection (THCIC) to Sunset Advisory Commission review during the upcoming interim. • The review should consider whether THCIC meets legislative intent, maintains privacy and security, and whether the data collected is limited to that which is relevant to statutory purposes. • THCIC is abolished, effective September 1, 2015, unless continued by the Legislature.
H.B. 1396	S. King	<ul style="list-style-type: none"> • Requires DSHS and the Department of Family and Protective Services (DFPS) to perform a one-time study on whether either agency keeps specific alcohol and controlled substance statistics related to children, their parents, and DFPS investigations.

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
		<ul style="list-style-type: none"> • If not, the agencies must determine which of the agencies is best suited to collect this information with the least expense, and at what cost. • The study must be performed within existing resources, and is due November 1, 2014.
H.B. 1690	Fletcher	<ul style="list-style-type: none"> • Allows peace officers, including sheriffs and constables, to use reasonable force to secure a person or persons subject to a control order for infectious disease to a group, property, or quarantine area, and except as directed by DSHS or local health department, prevent them from leaving or joining the group. • Authorizes judges to direct a peace officer to prevent a person involuntarily in the Texas Center for Infectious Diseases (TCID) or a designated facility from leaving the facility. • Allows judges to require an emergency medical services (EMS) provider to transport a person or persons subject to a protective custody or temporary detention order to TCID or a designated facility.
H.B. 1903	Eiland	<ul style="list-style-type: none"> • Abolishes the Oyster Advisory Committee. • Modifies the use of fees and penalties related to oyster sales and allows the funds to contribute to the support of the oyster shell recovery and replacement program operated under the Parks and Wildlife Code. • The Comptroller will allocate \$100,000 each fiscal year from amounts remaining in the General Revenue-Dedicated Account 5022 Oyster Sales to Texas A&M University at Galveston for studying and analyzing organisms that may be associated with human illness and transmitted through oyster consumption. • Removes the requirement that funds in the oyster sales account shall first be appropriated for public health activities; funds will now be used for the oyster shell recovery and replacement program, for the Texas A&M activities, and for administrative costs incurred by the Comptroller.

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
*H.B. 2392	Menendez	<ul style="list-style-type: none"> • Adds veterans’ mental health to DSHS’ specific responsibilities in statute. • A resulting program must include: peer-to-peer counseling; access to licensed mental health practitioners; DSHS-approved training for peers; technical assistance for volunteer coordinators and peers; grants to regional and local organizations providing relevant services; recruitment, retention and screening of community-based therapists; suicide prevention for volunteer coordinators and peers; and veteran jail diversion services, including veterans courts. • Requires that grants to emphasize direct services to veterans, leverage local resources, and increase the capacity of the veterans’ mental health program. • Senate Bill 1 appropriates \$4 million in General Revenue for this purpose. • An annual report is due by December 1 of each year.
H.B. 3105	Morrison	<ul style="list-style-type: none"> • Repeals a section of the Insurance Code that required individual accident and health policies to contain the following statement: “The insurer is not liable for any loss sustained or contracted in consequence of the insured’s being intoxicated or under the influence of any narcotic unless the narcotic is administered on the advice of a physician.” • This makes coverage of these situations optional.
*H.B. 3253	Zerwas	<ul style="list-style-type: none"> • Allows the DSHS Vital Statistics Unit (VSU) to notate on a death certificate of a person younger than 55 years old who was born in Texas to reduce potential for fraud. • Allows faculty members at medical schools access to confidential birth certificate information if the Institutional Review Board and DSHS approve the research plan.
H.B. 3285	Thompson	<ul style="list-style-type: none"> • Allows DSHS to receive information about deaths resulting from healthcare-associated infections (HAIs) prior to discharge from healthcare facilities required to report HAI infections, and requires those facilities to report HAI-caused deaths as part of HAI reporting.

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
		<ul style="list-style-type: none"> • Requires DSHS post this information on the DSHS HAI data site.
H.B. 3433	Fletcher	<ul style="list-style-type: none"> • Requires the DSHS Medical Advisory Board, if requested by the Department of Public Safety, to determine whether an applicant for or a holder of a commission as a security officer is capable of exercising sound judgment with respect to the proper use and storage of a handgun.
H.B. 3556	Kolkhorst	<ul style="list-style-type: none"> • Adds a licensure provision requiring EMS provider applicants to hold a letter of approval issued from a local government entity. • Requires emergency ambulance transportation providers to supply DSHS with letters of credit and a surety bond. • Requires certain providers to provide a surety bond to HHSC. • Requires DSHS to submit a report no later than December 1 of even numbered years to the Office of the Governor and the Legislature on license and regulatory actions related to EMS providers.
*H.B. 3793	Coleman	<ul style="list-style-type: none"> • Expands the services required of local mental health authorities (LMHAs) and the disorders to which they can be applied, to the extent feasible using funds appropriated from the Texas Health Care Transformation and Quality Improvement Program 1115 waiver. • Requires DSHS and HHSC to collaborate on a plan on the allocation of outpatient and residential mental health services. The plan is due December 31, 2013. • The plan must include: <ul style="list-style-type: none"> ○ a determination of the need for outpatient mental health services for both voluntary and committed patients; ○ a determination of the number of inpatient beds needed to serve both populations; ○ a plan for the allocation of sufficient funds to meet the needs of the two populations for outpatient and inpatient services; and ○ a process to address and develop the accessibility and

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
		<p align="center">availability of sufficient outpatient and inpatient services for the two populations.</p> <ul style="list-style-type: none"> • A follow up report is due by December 1, 2014, and must include an initial version of the plan, the status of its implementation, and the effect on services. • Requires DSHS to inform courts of all commitment options, including jail diversion and community-based options. • Requires DSHS to award grants, to the degree funds are available, to LMHAs to contract with DSHS-approved entities to train LMHA employees or contractors as mental health first aid trainers. Statute caps these grant amounts. • Additional grants will allow LMHAs to provide mental health first aid training to educators at no cost to the educator, for helping educators assist individuals experiencing mental health crises. Statute caps these grant amounts.
*S.B. 8	Nelson	<ul style="list-style-type: none"> • Puts in place new requirements for the licensing and regulation of EMS providers. • Provides that license applicants must: <ul style="list-style-type: none"> ○ possess sufficient professional experience and qualifications to provide services; ○ not have been excluded from participation in the state Medicaid program; ○ hold a letter of approval issued by the applicant’s local municipal government or commissioner’s court that verifies the applicant is applying to provide services to the local jurisdiction; ○ employ a medical director; ○ provide DSHS with a letter of credit; and ○ submit for approval by DSHS the name and contact information of the provider’s administrator of record, who must the meet new requirements specified in S.B. 8. • Provides the grounds for which an EMS provider license can be suspended, revoked, or denied. • EMS providers directly operated by a governmental entity

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
		<p>are exempted from certain requirements.</p> <ul style="list-style-type: none"> • DSHS must submit a report no later than December 1 of even numbered years to the Legislature on EMS provider license and regulatory actions. • Places a moratorium on the issuance of a new EMS provider license for the period beginning on September 1, 2013 and ending on August 31, 2014. • Requires HHSC, DSHS, and the Texas Medical Board to: <ul style="list-style-type: none"> ○ conduct a thorough review of and solicit stakeholder input regarding the use of non-emergent services provided by ambulance providers under Medicaid; and ○ make recommendations to the Legislature regarding suggested changes to the law that would reduce the incidence of and opportunities for fraud, waste, and abuse by January 1, 2014. • Requires HHSC, DSHS, and the Texas Medical Board to: <ul style="list-style-type: none"> ○ conduct a thorough review of and solicit stakeholder input regarding the laws and policies related to the licensure of nonemergency transportation providers; and ○ before January 1, 2014, make recommendations to the Legislature regarding suggested changes to the law that would reduce the incidence of and opportunities for fraud, waste, and abuse.
*S.B. 58	Nelson	<ul style="list-style-type: none"> • Requires HHSC, to the greatest extent possible, to integrate behavioral health services into the Medicaid managed care program. • Exempts the NorthSTAR service area. • Requires HHSC and DSHS to establish a Behavioral Health Integration Advisory Committee to assist in this process. • Creates a community collaborative grant program to serve persons experiencing homelessness and mental health issues. Appropriates \$25 million in S.B. 1 for this purpose.
*S.B. 62	Nelson	<ul style="list-style-type: none"> • Limits the applicability of the bacterial meningitis vaccine requirement for entering college students to those

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
		<p>students 21 years old and younger. Previously, the requirement applied to students 29 years old and younger.</p> <ul style="list-style-type: none"> • DSHS must implement a secure web-based process for exemptions for reasons of conscience at public junior colleges. • DSHS must annually report to the Legislature the number of exemption forms requested through the electronic process.
S.B. 63	Nelson	<ul style="list-style-type: none"> • Allows a child to consent to the child’s own immunization if the child is pregnant or the child is a parent, with custody, of a child. • This allowance is limited to childhood vaccines recommended by the Centers for Disease Control and Prevention. • A written statement by the child would suffice as proof for the vaccine provider.
S.B. 64	Nelson	<ul style="list-style-type: none"> • Requires licensed childcare facilities to adopt vaccine-preventable diseases policies for its employees. • Policies must include consideration of employees’ routine and direct exposure to the children, and base which vaccines are required on the amount of risk posed. • Requires a method of exemption for reasons of conscience.
S.B. 66	Nelson	<ul style="list-style-type: none"> • Adds members with expertise in EMS and family violence victim services to the State Child Fatality Review Team (SCFRT) and reconciles statutory language on the report to SCFRT practices. • Changes SCFRT reporting requirements from an annual report to a biennial report, due April 1 of each even-numbered year. • Creates the Protect Our Kids Commission to study the relationship between child protective services and child welfare services and the rate of child abuse and neglect fatalities. • Requires commission to submit a report containing findings and recommendations no later than December 1, 2015.

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
*S.B. 126	Nelson	<ul style="list-style-type: none"> • Requires DSHS to create a Mental Health and Substance Abuse Public Reporting System. <ul style="list-style-type: none"> ○ The system must allow external users to compare the performance, output and outcomes of community centers, Medicaid managed care pilot programs that provide mental health services (NorthSTAR), and entities that contract with the State to provide substance abuse services. ○ DSHS must post performance, output and outcome measures on the DSHS website on a quarterly or semi-annual basis. ○ DSHS is required to submit a report to the Legislature on the establishment of the reporting system by December 1, 2014. • HHSC is required to conduct a study to determine the feasibility of establishing and maintaining the public reporting system, including, to the extent possible, the cost to the State and the impact on managed care organizations and providers of collecting the data by December 1, 2014.
S.B. 127	Nelson	<ul style="list-style-type: none"> • Requires DSHS to collaborate with the Public Health and Funding Policy Committee to create funding formulas that take into account population, population density, disease burden, social determinants of health, local efforts to prevent disease, and other relevant factors. • The formulas must be complete by October 1, 2014. • Requires DSHS and the Committee to evaluate the feasibility of an administrative cap on local health spending. • Requires DSHS and the Committee to evaluate if public health functions can be performed by private entities or entities other than DSHS, health service regions, or local health departments (LHDs). • These reports are due by October 1, 2014. • Requires DSHS to create a policy to give greater flexibility to LHDs departments during public health threats. The policy must be enacted by October 1, 2014.

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
S.B. 152	Nelson	<ul style="list-style-type: none"> • Enacts recommendations from the Interagency Facilities Workgroup responding to the alleged abuse of young patients in the mental health system. • Requires the Executive Commissioner to adopt a policy requiring the reporting of a fellow employee who is reasonably suspected of using a controlled substance. • Specifies that required training of new staff at State Hospitals must include techniques for improving patient quality of life and promoting patient health and safety, and must cover the conduct expected of state employees. • DSHS must ensure that all employees receive training by September 1, 2014. • Requires an information management, reporting, and tracking system for each State Hospital to assist with managing serious allegations of abuse, neglect, or exploitation. • Authorizes DSHS to conduct criminal history checks for individuals expected to be in direct contact with patients. • Requires the Office of Inspector General to employ peace officers to assist law enforcement agencies with investigation of alleged criminal offenses at State Hospitals. • Funded in S.B. 1 with \$1.3 million.
S.B. 347	Seliger	<ul style="list-style-type: none"> • Prohibits DSHS from collecting fees for the transport of waste being disposed of at the federal waste disposal facility. • Allows DSHS to use funds in the General Revenue-Dedicated Perpetual Care Account No. 5096 for first responder training in counties with designated radioactive waste transportation routes. • Removes the \$500,000 cap for fees collected and deposited into the Perpetual Care Account No. 5096. • Provides that the existing Perpetual Care Account No. 5096 be exclusively for use by DSHS and the newly created account would be for the exclusive use of the Texas Commission on Environmental Quality (TCEQ). • Suspends DSHS and TCEQ collection of low-level

**Department of State Health Services
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Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
		<p>radioactive waste license and transportation fees when the combined balance of the Environmental Radiation and Perpetual Care Account and the Perpetual Care Account No. 5096 reaches \$100 million. Reinstates fees when the balance reaches \$50 million.</p> <ul style="list-style-type: none"> • Requires TCEQ and DSHS to update the memorandum of understanding regarding the regulation and oversight of radioactive materials and sources of radiation by January 1, 2014.
*S.B. 495	Huffman	<ul style="list-style-type: none"> • Creates a multidisciplinary task force to study maternal mortality and morbidity cases in Texas. • DSHS is responsible for administering the Maternal Mortality and Morbidity Task Force and for preparing a de-identified, statistically significant cross-section of mortality and morbidity cases for the task force’s review. • DSHS and the task force must submit a joint report of the task force’s findings and recommendations to the Governor and Legislature no later than September 1 of each even-numbered year.
S.B. 793	Deuell	<ul style="list-style-type: none"> • Removes the term “transfer agreement” from the newborn hearing screening law, thus allowing birthing centers or other facilities to use referrals instead of a formal transfer agreement to fulfill their obligation under the law. • The bill specifies the entities and practitioners that facilities may refer parents to for a newborn’s hearing screening.
S.B. 872	Deuell	<ul style="list-style-type: none"> • Allows counties, regardless of their application, documentation, and verification procedures or their eligibility standards, to credit Intergovernmental Transfers toward eligibility for state assistance for indigent care if the transfer was made to provide health care. • Capped at four percent of the counties’ General Revenue tax levy.
S.B. 944	Nelson	<ul style="list-style-type: none"> • Requires mental health service units of hospitals licensed in Texas to check the nurse aide registry and run criminal history checks for employees and applicants for employment.

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
S.B. 945	Nelson	<ul style="list-style-type: none"> • Requires hospitals to adopt a policy requiring a healthcare provider providing direct patient care at the hospital to wear a photo identification badge during all patient encounters, unless precluded by isolation or sterilization protocols.
*S.B. 1057	Nelson	<ul style="list-style-type: none"> • Prohibits DSHS from providing health or mental health benefits, services, or assistance without an attestation form indicating that the applicant has no access to those services under a private healthcare insurance plan. • If the individual does have access to private health insurance, then the individual shall provide information and authorization for DSHS to submit a claim for reimbursement from the insurer for the benefit, service or assistance provided. • DSHS must develop educational materials. • DSHS may waive the prohibition of services in times of crisis or emergency if the service is deemed necessary at that time.
*S.B. 1185	Huffman	<ul style="list-style-type: none"> • Requires DSHS to establish a mental health diversion pilot program, which will be implemented by the Harris County Judge. • The county will design and test a criminal justice mental health service model that includes the following elements: low caseload management, multilevel residential services, access to integrated health, mental health and substance abuse services, benefits reacquisition services, and multiple rehabilitation services. • The pilot program shall seek to give persons with mental health issues access to clinical, housing, and welfare services in the first weeks after release from jail. • The County Judge must provide resources to serve no less than 200 individuals, but shall endeavor to serve annually between 500 and 600 individuals. • Authorizes DSHS to inspect the program and requires DSHS to submit an evaluation of the program by December 1, 2016.

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Enacted – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions
		<ul style="list-style-type: none"> • The evaluation must include a description of the project service model, make recommendations on statewide expansion, and compare the rates of recidivism in Harris County before and after the pilot program’s implementation. • Senate Bill 1 provides \$10 million in General Revenue for this program.
*S.B. 1475	Duncan	<ul style="list-style-type: none"> • Requires DSHS to implement a jail-based competency restoration pilot program through a contractor in one or two counties. • A contractor must be nationally certified and demonstrate experience with this type of program, or the contractor must be a local mental health authority. • The pilot program must: use a multi-disciplinary approach directed toward restoring competency to stand trial; be similar to clinical treatment at inpatient competency restoration programs; employ or contract for at least one psychiatrist; have a staff-to-patient ration of at least 3.7:1; and provide weekly treatment similar to an inpatient program. • Participating counties must ensure the safety of participating defendants. • Senate Bill 1 appropriates \$3.05 million in General Revenue for this program. A report on the program is due on December 1, 2016. • These provisions expire on September 1, 2017.
S.B. 1815	Zaffirini	<ul style="list-style-type: none"> • Removes the responsibility of DSHS to contract with nonprofit organizations to maintain the Glenda Dawson Donate Texas-Life Registry. • Funding will now flow directly to Organ Procurement Organizations.
S.B. 1836	Deuell	<ul style="list-style-type: none"> • Requires the DSHS VSU to modify its paper and electronic application forms for birth, marriage, and divorce records. • Paper application and electronic request mechanisms (Texas.gov) must include a checkbox for customers to indicate that they wish to donate \$5.00 to promote healthy

Department of State Health Services Exhibit 13: 83rd Legislative Session Chart		
Legislation Enacted – 83rd Legislative Session		
Bill Number	Author	Summary of Key Provisions
		<p>early childhood by supporting the Texas Home Visiting Program.</p> <ul style="list-style-type: none"> • Also requires VSU to modify the Application for Marriage License form to include a checkbox for applicants to indicate that they wish to donate \$5.00 to promote healthy early childhood by supporting the Texas Home Visiting Program administered by the HHSC Office of Early Childhood Coordination.
*H.B. 2 (Second Called Session)	Laubenberg/ Burkett/ Harper-Brown/ G. Bonnen/ P. King	<ul style="list-style-type: none"> • Requires abortion facilities to reach the standards required of ambulatory surgical centers by September 1, 2014. • Adds probable post-fertilization age to required annual reports from abortion facilities.

Department of State Health Services Exhibit 13: 83rd Legislative Session Chart		
Legislation Not Passed – 83rd Legislative Session		
Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
H.B. 46	Crownover	<ul style="list-style-type: none"> • Would authorize a person who holds a permit to sell raw milk or raw milk products at the permit holder’s place of business, the consumer’s residence, or a farmers’ market. • Opposition from industry/public health groups who felt it was contrary to public health.
H.B. 772	Howard	<ul style="list-style-type: none"> • Would change ImmTrac from an opt-in registry, meaning a person’s immunization information is not retained in the process unless the person or their legally authorized representative consents, to an opt-out registry, meaning that the information would be retained in the registry until there is a request for removal. • Passed House but left pending in Senate committee.
H.B. 1393	S. King	<ul style="list-style-type: none"> • Would prohibit requiring separate space from living area for home kitchens.

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Not Passed – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
		<ul style="list-style-type: none"> • Opposition from public health groups who felt it was contrary to public health.
H.B. 2297/ S.B. 761	Naishtat/ Lucio	<ul style="list-style-type: none"> • Would create a new licensing program at DSHS with three levels of medical laboratory professionals. • Substantial opposition from medical and laboratory communities.
H.B. 2308	Schaefer	<ul style="list-style-type: none"> • Would require physicians who perform abortions to report monthly to DSHS. • Would allow DSHS to assess administrative penalties on physician who do not report. • Left pending in committee.
H.B. 2625	Coleman	<ul style="list-style-type: none"> • Would eliminate reference to serious emotional disorders for children and establish a single list of diagnoses for children and adults for resilience and disease management. • Would add 10 additional disorders to list. • Passed House but did not advance in the Senate; was amended into H.B.3793.
H.B. 3252	Zerwas	<ul style="list-style-type: none"> • Would increase public release of birth and death data to 125 years after birth and 50 years after death. The timeframe is currently 75 years after date of birth. • Left pending in committee.
H.B. 3687/ S.B. 1860	Naishtat/ Deuell	<ul style="list-style-type: none"> • Would redefine services provided through the Primary Health Care Program. • Would permit DSHS to authorize approved providers to charge a reasonable copayment for certain services. • House Bill passed the House but did not advance in the Senate. Senate Bill left pending in committee.
H.B. 3705	E. Rodriguez	<ul style="list-style-type: none"> • Would establish a pilot program that would double the value of Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) benefits used to purchase produce at farmers' markets. • Left pending in committee.
S.B. 537	Deuell/ Campbell/ Schwertner	<ul style="list-style-type: none"> • Would require the minimum standards for an abortion facility to be equivalent to the minimum standards for ambulatory surgical centers. • Reported out of committee but not voted on by Senate.

**Department of State Health Services
Exhibit 13: 83rd Legislative Session Chart**

Legislation Not Passed – 83rd Legislative Session

Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
S.B. 807	Deuell	<ul style="list-style-type: none"> • Would clarify that TCID has the authority to treat persons in Texas from other countries who are not residents, in limited circumstances. • Commissioner would have the authority to allow TCID to track detainees pending disposition of deportation and/or asylum. • Passed Senate and reported out of House committee but not voted on by House.
S.B. 1187	Huffman	<ul style="list-style-type: none"> • Would make the court’s authority to extend outpatient competency restoration orders consistent with its authority for inpatient competency restoration. • Would have corrected a problem in a small number of cases in one jurisdiction. • Left pending in committee.

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