



HAI/PAE Reporting and Investigation Confidentiality

Texas Government Code Chapter 552

As a state governmental body, the Texas Department of State Health Services ("department") is subject to the Texas Public Information Act (Tex. Government Code Chapter 552).

Texas Health and Safety Code Chapter 98

Healthcare-Associated Infections and Preventable Adverse Events that are reported to the department are subject to the confidentiality provisions in Chapter 98 of the Health and Safety Code (HSC). HSC 98.109 provides that with the exception of public reporting, department summaries, and inter-agency disclosures, all information and materials obtained or compiled or reported by the department, or compiled or reported by a healthcare facility under this chapter, and all related information and materials, are confidential and are not subject to disclosure under Chapter 552 of the Government Code. This information is also not subject to disclosure for discovery, subpoena, or other means of legal compulsion for release to any person and it may not be admitted as evidence or otherwise disclosed in any civil, criminal, or administrative proceeding.

Texas Health and Safety Code Chapters 81 and 161

Epidemiological and toxicological investigations by the department into human illnesses or conditions and environmental exposures that are harmful or believed to be harmful to public health are permissible under Health and Safety Code Chapter 161. Investigations by the department into the causes and effects of communicable disease and methods of prevention are permissible under Health and Safety Code Chapter 81.

Pursuant to HSC 81.046, the records received by the department that relate to cases or suspected cases of disease and health conditions are not public information under Chapter 552 of the Government Code and may not be released or made public on subpoena outside of specified exceptions. Identifying medical and epidemiological information, including information linking a person who is exposed to a person with a communicable disease, may be released with consent of each person identified in the information or to specified medical personnel or state or federal entities. Information may be released for statistical purposes if released in a manner that prevents the identification of any person.