



80th Legislative Session Summary

Legislation Affecting the Department of State Health Services (DSHS)

HB 1 (Rep. Chisum/Senator Ogden) Relating to appropriations for the 2008-2009 biennium: HB 1 is the General Appropriations Act, which appropriates funds for agency programs and operations, along with guidance on expenditures, for the two Fiscal Years beginning on September 1, 2007. Both the text of HB 1 and a summary can be found on the home page of the Legislative Budget Board at <http://www.lbb.state.tx.us/>.

HB 8 (Rep. Riddle/Senator Deuell) Relating to the prosecution, punishment and supervision of certain sex offenders and to certain crimes involving sex offenders: HB 8 strengthens prosecution of sexually violent predators and creates a new offense of continuous sexual abuse of a young child. It also requires the civil commitment monitoring program to track a civilly committed sexually violent predator in real time, to provide a real-time report of the person's location to the case manager, and to periodically provide a cumulative report of the person's location to the case manager.

HB 14 (Rep. Keffer/Senator Nelson) Relating to creating the Cancer Research Institute of Texas and abolishing the Texas Cancer Council; granting authority to issue bonds: In addition to creating the Institute and abolishing the Council, HB 14 requires DSHS to publish a summary in language patients understand that outlines the advantages, disadvantages, risks, and descriptions of all medically efficacious and viable alternatives for the treatment of lung cancer. The summary must be published without using General Revenue and should be updated annually as necessary.

HB 15 (Rep. Chisum/Senator Ogden) Relating to making supplemental appropriations and reductions in appropriations: HB 15 contains appropriations in addition to HB 1. It appropriates funds to DSHS for the purchase of antivirals, the Harris County Psychiatric Center, information technology, as well as provisions relating to the *Frew v. Hawkins* lawsuit. Unlike HB 1, which is effective on September 1, HB 15 is effective immediately.

HB 66 (Rep. Leibowitz/Senator Watson) Relating to power management software for state agencies: HB 66 requires each state agency that would benefit from using power management software to purchase, lease, or otherwise acquire software for the agency's computer networks to manage the energy usage of the agency's networked personal computers.

HB 88 (Rep. Branch/Senator Hinojosa) Relating to the evacuation and sheltering of service animals and household pets in a disaster: HB 66 requires the Department of Public Safety's Division of Emergency Management to assist political subdivisions in developing plans for the humane evacuation, transport, and temporary sheltering of service animals and household pets in a disaster. DSHS may advise on the development of these plans.

HB 92 (Rep. Branch/Senator Nelson) Relating to the acquisition of certain automated external defibrillators: HB 92 exempts any automated external defibrillator that has been approved by the

U.S. Food and Drug Administration for over-the-counter sale from the requirement that a doctor must prescribe it.

HB 109 (Rep. Turner/ Senator Averitt) – Relating to eligibility for and the administration of the child health plan program: HB 109 simplifies the eligibility process for the Children’s Health Insurance Program (CHIP) and repeals several policy changes that were enacted by the Legislature in 2003. The bill has no direct impact on DSHS. There is a provision that allows the Health and Human Services Commission to delegate outreach activities to DSHS. However, an outreach contract between the Health and Human Services Commission and outside entity is already in place.

HB 119 (Rep. F. Brown/Senator Ogden) Relating to the exemption from competitive bidding for certain purchases: HB 119 requires competitive bidding by state agencies for purchases exceeding \$5000 and made under written contract. HB 119 also amends current law requiring consideration of three catalog offers by raising the minimum purchase amount for such consideration from \$2000 to \$5000 and requiring the consideration of three offers if made under a written contract.

HB 246 (Rep. Alonzo/ Senator Zaffirini) Relating to quarterly reports on cases of acquired immune deficiency syndrome and human immunodeficiency virus infection: HB 246 requires local health authorities to report to DSHS all cases of diagnosed HIV/AIDS infections on a weekly basis. Information to be contained in the report includes: an infected person's city and county of residence; age; gender; race; ethnicity; national origin; and the method of transmission. In addition, DSHS is required to compile submitted information and to make the compiled data available to the public on a quarterly basis. It also requires DSHS to analyze and determine trends in incidence and prevalence of AIDS and HIV infections while considering certain factors, and to prepare a report on that analysis and make it available to the public annually. The bill also requires a legislative report due no later than January 2, 2009, that addresses emerging technologies and advancements in HIV and AIDS surveillance and epidemiology, including new testing technologies and makes recommendations regarding this state’s use of these technologies to enhance surveillance, treatment and prevention of AIDS and HIV infection.

HB 321 (Rep. Dukes/ Senator Deuell) Relating to the establishment of a pilot program by the Health and Human Services Commission to accept importation of electronic eligibility information from a regional indigent care provider: HB 321 establishes a pilot project in one urban area of the state operated by a regional indigent care collaborative system. The pilot will test the feasibility of importing electronic eligibility information to the Health and Human Services Commission to establish eligibility. The area selected for the pilot must possess a functioning collaborative system that includes a network of providers, assesses Health and Human Services Commission eligibility programs and an electronic interface with the commission. The project will focus on enrollment, solicit support from local officials and providers while ensuring confidentiality and compliance with privacy laws. Not later than December 1, 2008, the Commission is required to determine the efficiency and benefits of electronic eligibility information.

HB 416 (Rep. Strama/ Senator Watson) Relating to providing for restroom access for persons with certain medical conditions: HB 416 requires businesses open to the public for retail to provide access to restroom facilities for individuals with Crohn's disease, ulcerative colitis, irritable bowel syndrome, or any other permanent or temporary medical condition that requires

immediate access to a toilet facility. The bill creates an offense for employees of such businesses who refuse access to an individual with one of the covered illnesses who has appropriate documentation as specified in the legislation. DSHS has no regulatory authority on the bill, but anticipates that complaints will be filed with this agency, to be referred to the appropriate law enforcement authority.

HB 431 (Rep. Madden/Senator Whitmire) Relating to the release of a defendant convicted of a state jail felony on medically recommended intensive supervision: HB 431 responds to a staff report by the Sunset Advisory Commission on the Texas Department of Criminal Justice, which found that district judges lack clear statutory authority to consider the release of persons confined in state jails. The bill authorizes judges to release certain state jail felony defendants into medically recommended intensive supervision and requires the Texas Correctional Office on Offenders with Medical or Mental Impairments to periodically identify state jail defendants suitable for early medical release. This legislation will have an impact on DSHS if the defendants are released to state hospitals.

HB 518 (Rep. Naishtat/ Senator Brimer) Relating to the detention and examination of certain persons for whom an application for emergency detention or a motion for an order of protective custody has been filed: HB 518 changes the length of detention of a person delivered to a mental health facility for a preliminary examination to 48 hours (from 24 hours), unless a written order for protective custody is obtained. A physician would be required to examine the person as soon as possible within 12 hours, rather than 24 hours, from the time when the person was apprehended or delivered to the facility. The bill requires DSHS to study how effective the bill is in reducing the overall number of admissions to state mental health facilities and what effect the bill had on the number of admissions lasting less than 96 hours, and provide a report on this study by December 31, 2008.

HB 530 (Rep. Madden/ Senator Seliger) Relating to the operation and funding of drug court programs: HB 530 expands the definition of drug courts to allow other types of problem-solving courts to be established, including DWI courts, juvenile drug courts, re-entry drug courts, and family dependency drug courts. The bill would also authorize municipalities to establish these programs. The bill lowers the population threshold to 200,000 (from 550,000) for requiring the establishment of drug court programs in certain counties, provided those counties received federal or state funding for the programs. It also creates a dedicated revenue source for drug courts by imposing a new court cost of \$50 on the conviction of certain intoxication and drug offenses; the state would receive 40% of the fee.

HB 567 (Rep. Puente/ Senator Wentworth) Relating to the time requirements for registering with the state registry of paternity: HB 567 requires the DSHS Vial Statistics Unit to notify the registrant that the registration was not timely filed, if a man registers paternity later than the 31st, rather than 30th, day after the date of the birth of the child. It also allows the petitioner to request a registry search on or after the 32nd day after the child's birth and prohibits DSHS from imposing a waiting period before it will conduct the requested search.

HB 568 (Rep. Puente/ Senator Harris) Relating to the requirements for an affidavit of voluntary relinquishment of parental rights: HB 568 requires an affidavit to voluntarily relinquish parental rights to contain the person's county of residence, rather than the person's address. This bill does not affect DSHS.

HB 654 (Rep. Hilderbran/ Senator Fraser) Relating to the Department of State Health Services contracting for a community psychiatric hospital to be located on Kerrville State Hospital grounds: HB 654 requires DSHS to implement a 16-bed crisis stabilization unit (CSU) pilot project on the grounds of the Kerrville State Hospital. The bill requires DSHS to contract with the local mental health authority serving the Hill Country area to operate the unit. It also requires the local mental health authority to contract with Kerrville State Hospital to provide food service, laundry service, lawn care, and equipment rental to the unit. The bill prohibits the unit from being used to provide care to children or to adults sentenced to a state mental facility as provided by Chapter 46C, Code of Criminal Procedure. It also requires the local mental health authority operating the CSU under contract to use its allocation for 16 state hospital beds in order to run the CSU. HB 654 requires DSHS to reduce the number of beds DSHS operates in the state hospital by 16 and, in collaboration with the local mental health authority, to ensure that the 16 beds in the unit are made available to other mental health authorities for use as designated by DSHS. DSHS must submit a report by December 31, 2008, that includes an analysis of the effectiveness of the pilot project and recommendations regarding the continuation or expansion of the pilot project.

HB 662 (Rep. Dukes/Senator Ellis) Relating to the coordination and improvement of certain programs and services for the prevention of and early intervention in child abuse and neglect: HB 662 expands the responsibilities of the existing Interagency Coordinating Council for Building Healthy Families by requiring the development of a long-range strategic plan for child abuse and neglect prevention services. The bill also requires the council to evaluate the potential for streamlined funding mechanisms and other issues related to existing programs and activities. DSHS will continue to participate as a member of the council.

HB 709 (Rep. Dukes/ Senator Ellis) Relating to information regarding umbilical cord blood options: HB 709 directs the Health and Human Services Commission to develop a brochure on umbilical cord blood options. DSHS anticipates that his responsibility will be delegated by the Health and Human Services Commission to DSHS. The brochure is to include information on current and potential use, risks and benefits of stem cells contained in cord blood to a potential recipient, options available for future use or storage of cord blood post delivery, the medical process used to collect cord blood, any risks associated with cord blood collection to mother or infant, and other information. DSHS will make the brochure available on the agency website and upon request to physicians or others permitted by law to attend a pregnant woman during gestation or at delivery.

HB 755 (Rep. Puente/Senator Nelson) Relating to disciplinary action taken against a person required to file a death certificate: HB 755 prohibits the taking of disciplinary action against a person for failing to timely file a death certificate if the person supplies written documentation that the person has made a good faith effort to file the certificate within the time required and that failure to timely file was a result of circumstances beyond the person's control. Delays in the timely filing of death certificates will result in delays in the processing of death certificates through the DSHS Vital Statistics Unit and notification of the U.S. Social Security Administration of the individual's death.

HB 921 (Rep. Delisi/Senator Ellis) Relating to the sharing of information among state agencies: HB 921 requires the Health Care Information Council, in consultation with the Department of Information Resources, to develop standards for the secure sharing of information electronically among participating agencies. The objective is to share information about past client encounters

and client health information, while complying with all state and federal medical privacy laws and regulations. The initial focus of the interagency information sharing system is the continuity of care for inmates being admitted to or discharged from Texas Youth Commission facilities.

HB 948 (Rep. Y. Davis/Senator Ellis) Relating to requirements for labeling certain drugs: HB 948 requires the Board of Pharmacy to adopt rules requiring the label on a dispensing container to be in plain language and printed in an easily readable font size for the consumer. That Board is also required to adopt similar rules regarding the information a pharmacist must provide to a consumer when dispensing a prescription to the consumer for self-administration.

HB 1045 (Rep. Truitt/ Senator Zaffirini) Relating to designating April as Child Safety Month: HB 1045 establishes April as Child Safety Month and increases public awareness regarding preventative measures needed to protect children. DSHS will coordinate child safety public education activities, such as Safe Rider and other traumatic brain injury prevention efforts, in conjunction with the designation of April as Child Safety Month.

HB 1059 (Rep. Parker/Senator Nelson) Relating to an immunization awareness program in certain school districts: HB 1059 requires DSHS to prepare a list of required and recommended vaccines in English and Spanish for school districts to post on their websites. School districts must also post the locations of influenza vaccine clinics to the extent that they are known. The information must also include instructions for obtaining an exemption from the immunization requirements.

HB 1060 (Rep. Parker/Senator Harris) Relating to the use of electronically readable information from a driver's license or personal identification certificate by certain health care providers and hospitals: HB 1060 allows hospitals to access information from an individual's driver's license or personal identification card for the purpose of faster and more accurate identification of the patient. This bill also clarifies that a hospital is authorized to transfer the information gathered from a person's license or identification card to business associates that the hospital has entered into a contract with to maintain the database created using this information and prohibits the business associate or a subcontractor from using the information for any purpose other than the database and from further transferring the information. This legislation has no direct impact on DSHS.

HB 1064 (Rep. Laubenberg/Senator Hegar) Relating to the term of a food manager certificate: HB 1064 exempts food manager certificates from the two-year renewal period required by HB 2292 of the 78th Legislature. This is consistent with national standards.

HB 1066 (Rep. Delisi/ Senator Nelson) Relating to electronic health information, electronic health records, and creating the Texas Health Service Authority Corporation: HB 1066 creates the Texas Health Services Authority, a public nonprofit corporation, to promote, implement, facilitate, and create incentives for the voluntary and secure electronic exchange of health information. The corporation may establish statewide health information exchange capabilities, and seek funding to: implement and promote electronic health information exchange (HIE); support regional HIE initiatives; identify standards (including security and privacy) for electronic HIE; and other strategies identified by its board of directors. The governor is required to appoint at least two DSHS representatives to serve as non-voting members of the board of directors.

HB 1082 (Rep. Straus/Senator Van de Putte) Relating to a pilot program to require reporting of methicillin-resistant Staphylococcus aureus: HB 1082 requires DSHS to establish a pilot program to research and implement procedures for reporting cases of methicillin-resistant Staphylococcus aureus (MRSA). In addition, DSHS is to select a health authority that demonstrates an interest and adequate resources to successfully to administer the program. Under this pilot program, all clinical labs within the health authority area are required to:

- Report all MRSA cases to the pilot program administrator;
- Track MRSA prevalence;
- Study the cost and feasibility of expanding the list of reportable diseases to include MRSA;
- Develop a method for electronic information exchange on MRSA occurrences within the health authority area;
- Collect data and analyze findings regarding MRSA sources and possible prevention, and
- Compile and make public a summary, by location, of the infections reported, and make recommendations to DSHS.

DSHS, in consultation with the health authority administering the pilot program, is required to submit to the Legislature a report on the pilot program's effectiveness in tracking and reducing the number of MRSA infections within the area served by the health authority not later than September 1, 2009.

HB 1098 (Rep. Bonnen/Senator Hegar) Relating to prohibiting immunization against human papilloma virus as a condition for admission to public school: HB 1098 prohibits the use of immunization against human papilloma virus (HPV) as a condition for admission to any elementary or secondary school and preempts all contrary executive orders. The law also requires the Health and Human Services Commission to provide educational materials regarding HPV that is unbiased, medically and scientifically accurate, and peer reviewed to parents or legal guardians at the appropriate time in the immunization schedule by the appropriate school.

HB 1168 (Rep. Menendez/ Senator Shapleigh) Relating to licensing and regulation of certain facilities providing personal care to elderly or disabled persons: HB 1168 allows state licensing authorities to take disciplinary action against a license holder for making a false statement in connection with applying for or renewing a license. It also requires the Health and Human Services Commission, if funds are appropriated, to develop and implement a pilot program for the Department of Aging and Disability Services to license and inspect boarding houses. Minimum standards, required disclosures, reporting requirements and administrative penalties shall be adopted by rule. Contingent on funding, the pilot program should be implemented in a county or municipality that has adopted an order or ordinance regulating the operation of boarding houses. The Health and Human Services Commission is required to submit a report by January 1, 2009, about the pilot program and a recommendation regarding the advisability of expanding the pilot program statewide.

HB 1260 (Rep. Martinez/Senator Hinojosa) Relating to exempting certain military personnel from certain state and local government fees: HB 1260 exempts certain military personnel who are being deployed to serve in a hostile fire zone from certain state and local government fees in order to ease the burden created by this short preparation period. The bill lists specific fees that are exempted, including fees to obtain copies of birth and marriage certificates from the DSHS Vital Statistics Unit.

HB 1297 (Rep. Delisi/Senator Nelson) Relating to the creation of the state employee wellness program: HB 1297 requires DSHS to designate a statewide wellness coordinator to create and develop a model statewide wellness program for state agencies and sets forth the components the model program may include. The statewide wellness coordinator is also required to coordinate with other state agencies to develop the model program, maintain a set of internet links to health resources for use by state employees, design an outreach campaign to educate state employees about various available health and fitness-related resources, study the implementation and participation rates of state agency worksite wellness programs and report the findings to the legislature biennially, and organize an annual conference hosted by DSHS for state agency wellness councils. HB 1297 requires other state agencies to designate an employee to serve as the wellness liaison between DSHS and the statewide wellness coordinator and allows agencies to develop internal wellness councils. The bill creates the 13-member Worksite Wellness Advisory Board to be supported by DSHS. The bill also authorizes state agencies to establish wellness policies, such as allowing time for exercise during working hours.

HB 1370 (Rep. Coleman/ Senator Zaffirini) Relating to the interagency coordinating council for HIV and hepatitis. HB 1370 recreates the Interagency Coordinating Council on HIV and Hepatitis to coordinate care and prevention services in Texas: In addition, DSHS is required to file an annual report with the Texas Legislature and Governor containing policy recommendations based on council information on prevention of AIDS, HIV infection, and hepatitis and delivery of health services to individuals who have AIDS or hepatitis or are infected with HIV.

HB 1373 (Rep. Guillen/Senator Zaffirini) Relating to creating the Chronic Kidney Disease Task Force: HB 1373 creates the Chronic Kidney Disease Task Force, composed of 13 members appointed by the governor, including one representative from DSHS, and four members of the Legislature. The task force is required to develop a plan to educate health care professionals about early screening, diagnosis, and treatment of chronic kidney disease and complications related to chronic kidney disease; develop a plan to educate health care professionals and individuals with chronic kidney disease about modality education and early renal replacement therapy; and make recommendations on the implementation of a cost-effective plan for early screening, diagnosis, and treatment of chronic kidney disease for the states population. DSHS will provide administrative support. A report and recommendations are due by January 1, 2009.

HB 1379 (Rep. Deshotel/Senator Nelson) Relating to human papilloma virus education programs: HB 1379 requires DSHS to produce and distribute informational materials regarding the human papillomavirus (HPV) vaccination. It also mandates inclusion of additional information regarding HPV in course materials related to sexually transmitted diseases in the model public health education program for school-aged children developed by DSHS.

HB 1396 (Rep. Dukes/Senator Zaffirini) Relating to the Office for the Elimination of Health Disparities and the health disparities task force. HB 1396 transfers the Office for the Elimination of Health Disparities from DSHS to the Health and Human Services Commission. It also transfers the Health Disparities Task Force to the Health and Human Services Commission from DSHS and sets forth its purpose and duties.

HB 1412 (Rep. McReynolds/Senator Deuell) Relating to the emergency medical dispatch resource centers program: HB 1412 authorizes the pilot emergency medical dispatch program, to

expand statewide and receive appropriations from other sources in addition to 9-1-1 services fees. DSHS has no role in the implementation of the bill.

HB 1457 (Rep. McReynolds/Senator Nichols) Relating to the acceptable methods for disposal of poultry carcasses: HB 1457 amends the Water Code to prohibit the use of poultry carcasses as swine food, which is already illegal under the Agriculture Code. The bill also prohibits the storage of poultry carcasses for more than 72 hours at a poultry facility. DSHS has no role in the implementation of the bill.

HB 1471 (Rep. Hancock/Senator Brimer) Relating to resource sharing among certain political subdivisions, including regional planning commissions, during a disaster: HB 1471 creates the Texas Statewide Mutual Aid System in order to authorize jurisdictions to request aid from other jurisdictions whether they already have a mutual aid compact or not. It does not impact the activities of DSHS.

HB 1493 (Rep. Bonnen/Senator Janek) Relating to the establishment and operation severe storm research and planning center: HB 1493 creates the Severe Storm Research and Planning Center and outlines the administration, purpose, and overall objectives of the center. DSHS is not involved with implementation of this bill.

HB 1497 (Rep. Van Arsdale/Senator Harris) Relating to the consequences of the failure by a person requesting information under the public information law to timely respond to certain written communications from a governmental body: HB 1497 establishes that the failure of a person requesting public information from a governmental body to timely respond to certain written communications from the governmental body will cause the request for public information to be considered withdrawn.

HB 1545 (Rep. Pena/Senator Duncan) Relating to competency to be executed in a capital case: HB 1545 allows a trial court to set an execution date for a defendant if the court makes a finding that the defendant is not incompetent to be executed. DSHS is not affected by this legislation.

HB 1678 (Rep. Madden/Senator Whitmire) Relating to the operation of a system of community supervision: HB 1678 requires a judge to give a defendant credit for time served in a treatment program in a substance abuse felony punishment facility or other court-ordered residential program or facility if the defendant successfully completes the program.

HB 1728 (Rep. Harper-Brown/Senator Harris) Relating to confidentiality of certain information in rabies vaccination certificates and dog and cat registries: HB 1728 authorizes governmental entities to contract with a third party vendor when providing animal registration services for that entity and to disclose certain information to such third party vendors. It does not impact the activities of DSHS.

HB 1739 (Rep. Harnett/Senator Nelson) Relating to electronic submission of certain information on a death certificate: HB 1739 requires a person responsible for burial or removal of a body to file the death certificate electronically according to guidelines established by the DSHS State Registrar. It also requires the physician who completed the medical certification which involves a death that occurred under the attending physician's care to submit the information electronically.

HB 1751 (Rep. Cohen/Senator West) Relating to imposing a fee on admissions to certain sexually oriented businesses: HB 1751 imposes a \$5 fee on admission to sexually oriented businesses and directs the money to be deposited with the state for the purposes of sexual assault prevention activities. DSHS received an appropriation in HB 1 to measure the prevalence of sexual assault in Texas either through the existing Behavioral Risk Factor Surveillance System or other appropriate means of data-gathering.

HB 1759 (Rep. Deshotel/ Senator Williams) Relating to the transfer of certain state property from the Health and Human Services Commission, the Department of State Health Services, or the Department of Aging and Disability Services to Spindletop MHMR Services: HB 1759 authorizes the Health and Human Services Commission, DSHS, or the Department of Aging and Disability Services to transfer certain real property (the former state-operated Beaumont State Center) for non-monetary consideration to Spindletop MHMR Services to use for the provision of community-based mental health and mental retardation services.

HB 1788 (Rep. Pitts/Senator Hegar) Relating to the planning, reporting, and review of the state's information resources: HB 1788 requires state agencies to submit a report on the operational aspects of the agency's information resources deployment including an inventory of major systems, applications, and databases.

HB 1789 (Rep. Pitts/Senator Hegar) Relating to the management and oversight of information resources projects: HB 1789 defines and requires the use of information technology project management practices and requires state agencies to use information technology project management practices that are consistent with guidelines from the Department of Information Resources.

HB 2034 (Rep. England/Senator Shapiro) Relating to the regulation of sex offender treatment providers: HB 2034 implements recommendations from the Biennial Report of the Council on Sex Offender Treatment. The bill clarifies the definition of "sex offender" for the purpose of sex offender treatment provider licensure, the definition of "sex offender treatment provider", and the definition of who is subject to licensure as a treatment provider.

HB 2042 (Rep. Dukes/Senator Nelson) Relating to an electronic database of physicians, hospitals, and other health care providers participating in the state Medicaid program: HB 2042 requires the Health and Human Services Commission to establish and administer an electronic, searchable, web-based database of all participating Medicaid providers. The database would include physicians, dentists, pharmacists, community clinics, mental health counselors, optometrists, and other types of Medicaid providers.

HB 2061 (Rep. Keffer/Senator Williams) Relating to disclosure of social security numbers of a living person under the public information law. HB 2061 prohibits release of the social security number of a living person as part of an open records request under Section 552.021 of the Government Code. It also clarifies that a social security number is not confidential and may be used as allowed by other sections of the Government Code or other law.

HB 2117 (Rep. Parker/Senator Harris) Relating to the liability of certain persons who administer emergency care: Clarifies that volunteer emergency services personnel are covered by the statute providing that a person who in good faith provides emergency care is not liable in

civil damages for an act performed during the emergency unless the act is willfully or wantonly negligent. This bill does not require any implementation by DSHS.

HB 2132 (Rep. Straus/Senator Van de Putte) Relating to the creation of a diabetes mellitus registry pilot program: HB 2132 requires DSHS, in coordination with a public health district, to establish an electronic diabetes mellitus registry pilot program that tracks prevalence of diabetes, the level of control individual patients are exerting over their diabetes, and trends of new diagnoses of diabetes. DSHS must select a public health district that serves a county with a population of less than two million and that contains a municipality with a population of over one million. The electronic registry must track the glycosylated hemoglobin level of each person who has a laboratory test to determine the level performed at a clinical laboratory in the district. Clinical labs located in the participating district must submit to the district and DSHS the results of each glycosylated hemoglobin test that the laboratory performs. In addition, DSHS and the participating district must compile certain results and promote discussion and public information programs regarding diabetes mellitus.

HB 2216 (Rep. Turner/ Senator Shapiro) Relating to the regulation of the sale of certain mobility motor vehicles equipped to transport a person with a disability: HB 2216 adds regulation of dealers who sell this kind of motor vehicle to the duties of the Texas Department of Transportation.

HB 2248 (Rep. Van Arsdale/Senator Williams) Relating to the ability of a governmental body under the public information law to request a redetermination from the attorney general on dismissal of litigation relating to the same issue: HB 2248 Establishes the circumstances under which a governmental body may ask the Attorney General to reconsider a decision to dismiss litigation under the public information law.

HB 2285 (Rep. Chisum/ Senator Seliger) Relating to the renewal period for a license or registration related to radioactive materials and other sources of radiation issued by the Department of State Health Services: HB 2292 of the 78th Legislature changed the term of almost all licenses, permits, certifications, and registrations issued by DSHS to two years. Because of the complexity of the applications, the national standard for some radiation licenses and registrations is nine to ten years. HB 2285 restores a longer period for radiation licenses and registrations, but the fees will still pay for the program. It also exempts local law enforcement from paying the fees, a small cost that will be absorbed by other x-ray registrants.

HB 2313 (Rep. Rose/Senator Nichols) Relating to designating the second full week in September as obesity awareness week: HB 2313 designates the second full week in September each year as Obesity Awareness Week in Texas in order to raise awareness of the health risks associated with obesity and to encourage Texans to achieve and maintain a healthy lifestyle.

HB 2365 (Rep. Truitt/Senator Duncan) Relating to financial accounting and reporting for this state and political subdivisions of this state: HB 2365 pertains to accounting and reporting of post-employment benefits and does not directly impact DSHS.

HB 2439 (Rep. Truitt/Senator Janek) Relating to the functions of local mental health and mental retardation authorities: HB 2439 addresses the roles and responsibilities of local mental health and mental retardation authorities, as amended by HB 2292 of the 78th Legislature. Provisions of the bill include: procedures DSHS must implement prior to making any changes to

payment methodologies for mental health services during the next biennium; the establishment of a Local Authority Network Advisory Committee to advise DSHS on technical and administrative issues that directly affect local mental health authority functions and the activities to be performed by that committee; the responsibility of local mental health authorities (LMHAs) to develop a local network development plan, which is to be reviewed and approved by DSHS; the establishment by DSHS of an online best practices clearinghouse for LMHAs; a requirement for DSHS to assist an LMHA in attaining training and mentorship in using best practices established through the clearinghouse before removing an LMHA's authority designation; and conditions under which an LMHA may serve as a provider of services.

HB 2458 (Rep. B. Cook/Senator Brimer) Relating to the licensing and regulation of structural pest control by the Department of Agriculture and the abolition of the Texas Structural Pest Control Board: HB 2458 is the Sunset legislation for the Texas Structural Pest Control Board and reauthorizes that agency. The only effect on DSHS is the updating of references to this agency.

HB 2471 (Rep. Homer/Senator Deuell) Relating to the treatment and sale of certain bedding: HB 2471 creates an exemption from the second-hand bedding regulatory requirements for furniture designated as floor models.

HB 2524 (Rep. McClendon/Senator Van de Putte) Relating to the establishment of a pilot project to construct a public safety triage and detoxification unit and the provision of mental health and substance abuse treatment: HB 2524 requires DSHS to assist in the construction of a public safety triage and detoxification unit through which inpatient and outpatient mental health and substance abuse treatment services may be administered, and contract with the Bexar County local mental health and mental retardation authority or an appropriate nonprofit foundation for specified services to persons with mental illness or substance abuse problems or both, and who are homeless or referred to the pilot project through a jail diversion program. The bill also requires DSHS to submit a report by November 1, 2008, regarding the quality of the services provided through the pilot project, the cost-effectiveness of providing mental health and substance abuse services in coordination with a jail diversion program, recommendations for establishing similar programs throughout the state, and any other relevant information as determined by the department.

HB 2564 (Rep. Hancock/ Senator Wentworth) Relating to the authority of a governmental body to require the payment of a charge before complying with certain requests for the production of public information or for copies of public information: HB 2564 authorizes a governmental body to establish a reasonable limit on the amount of time personnel are required to spend producing public information for inspection or duplication or providing copies to a requestor without recovering the costs associated with that personnel time.

HB 2644 (Rep. Rose/Senator West) Relating to the requirements for a massage therapist license: HB 2644 increases the training requirement for licensure from 300 to 500 total hours. The bill repeals existing licensure reciprocity provisions. It also requires individuals offering services that involved physical contact for a purported health benefit to obtain a license from DSHS, but does not specify the kind of license.

HB 2694 (Rep. Hamilton/Senator Janek) Relating to the disaster contingency fund: HB 2694 provides funds from which local governments are authorized to draw in the event of a disaster

that is not declared a federal emergency. It also provides a source of funds that local governments are authorized to use to be repaid from federal funds for immediate needs. It does not impact the activities of DSHS.

HB 2703 (Rep. Woolley/Senator Gallegos) Relating to interference with the duties of a public health professional: HB 2703 adds public health workers, including state employees, to current Penal Code provisions prohibiting interference with the official duties of law enforcement, EMS, animal control, or firefighting personnel.

HB 2827 (Rep. Taylor/Senator Jackson) Relating to rules regarding anaphylaxis treatment provided by emergency medical services personnel: HB 2827 requires every EMS vehicle to carry an epinephrine injector or similar device to treat anaphylaxis, while allowing the local medical director full authority in determining which personnel are eligible to administer epinephrine or similar treatment. It also provides for continuing training of EMS personnel in the treatment of anaphylaxis.

HB 2918 (Rep. Isett /Senator Deuell) Relating to state information technology contracting and procurement practice: HB 2918 requires state agencies to provide oversight agencies a business case, statewide impact analysis and a project plan for a contract with a value of at least \$1 million in which a vendor will perform or manage an outsourced function or process.

HB 3107 (Rep. Isett /Senator Ogden) Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes: HB 3107 makes changes in the management of specific funds administered by the Comptroller.

HB 3138 (Rep. Bohac/Senator Ellis) Relating to the authority to operate a mobile food unit, roadside food vendor, or temporary food establishment in certain counties: HB 3138 requires mobile food vending units in Harris County to display, at all times, written authorization from a property owner that shows the permission granted.

HB 3169 (Rep. Swinford/Senator Seliger) Relating to the transfer of certain state property from the Texas Health and Human Services Commission, on behalf of the Department of State Health Services ... to Texas Panhandle Mental Health Mental Retardation: HB 3169 authorizes the state to convey real property (the former state-operated Amarillo State Center) located in Potter County to the Texas Panhandle MHMR for its continued use as a facility to provide community-based MHMR services.

HB 3184 (Rep. Coleman/Senator Deuell) Relating to the education of parents of young children about the benefits of vaccination against influenza: HB 3184 requires DSHS to publish online information for parents about the benefits of annual influenza immunizations and to work with the Department of Family and Protective Services and licensed daycare facilities to ensure the information is distributed to parents in a timely manner. It also requires the Executive Commissioner of the Health and Human Services Commission to conduct a study to determine the feasibility of implementing a system that gives priority for health care providers in the distribution of influenza vaccine.

HB 3249 (Rep. Truitt/Senator Brimer) Relating to the powers and duties of, and the entities reviewed by, the Sunset Advisory Commission: HB 3249 delays the Sunset Commission review

of health and human services agencies, including DSHS, from the Fiscal Year 2008-9 biennium to the Fiscal Year 2010-11 biennium.

HB 3261 (Rep. Chavez/Senator Nelson) Relating to the use of electronic signatures in the administration of health and human services programs: HB 3261 directs the Executive Commissioner of Health and Human Services to establish standards for the use of electronic signatures in the administration of all health and human services programs. The bill states that it is legislative intent to use digital or electronic technology to the greatest extent feasible for provider participation and client access to services.

HB 3407 (Rep. Hamilton/ Senator Nichols) Relating to the appointment of emergency services boards in districts located in more than one county: Currently, emergency services district (districts) boards must be elected if they border two counties. This is burdensome for small counties. HB 3407 requires, in a district composed of a county with a population of less than 21,000 and a county with a population of more than 47,400, the commissioners court of the largest county in which the district is located to appoint a five-member board of emergency commissioners to serve as the district's governing body. The bill has no effect on DSHS.

HB 3430 (Rep. Strama/Senator Hegar) Relating to the availability of information about state expenditures and rules, including the creation of a state database containing information on state expenditures: HB 3430 requires state agencies, prior to adopting a rule that may have economic impact on small businesses, to prepare an economic impact statement that estimates the number of small businesses subject to the proposed rule, projects the economic impact of the rule on small businesses, and describes alternative methods of achieving the purpose of the proposed rule. Agencies must also develop a regulatory flexibility analysis that includes the agency's consideration of alternative methods of achieving the purpose of the proposed rule.

HB 3571 (Rep. Rose/Senator Uresti) Relating to partnerships between the Health and Human Services Commission and private entities to conduct health and human services program outreach efforts: HB 3571 requires the Health and Human Services Commission to develop a pilot program to facilitate food stamp program outreach efforts and eligibility determination processes in South Texas. This legislation does not affect DSHS.

HB 3618 (Rep. Raymond/Senator Zaffirini) Relating to certain health programs and grants and other related funds for school districts located in the border region: HB 3618 requires DSHS, with funds appropriated for this purpose, to adopt criteria for the development of a pilot program designed to prevent and detect Type 2 diabetes. Certain border counties, as defined in the bill, may choose to participate in the pilot. HB 3618 also requires DSHS to employ one person to serve as a grant-writer to assist border region school districts in obtaining grants and other funds for school-based health centers. No funding specific to this legislation was included in HB 1.

HB 3672 (Rep. Bohac/Senator Ellis) Relating to mobile food units in certain populous counties: HB 3672 requires mobile food vending units in Harris County to complete daily inspections and obtain written documentation that such inspections are completed.

HB 3735 (Rep. McReynolds/Senator Nichols) Relating to a diabetes demonstration pilot program: HB 3735 authorizes DSHS and the Texas Diabetes Council to create a diabetes pilot program at Memorial Health System of East Texas that would provide a comprehensive approach to promoting the prevention and treatment of diabetes and acanthosis nigricans. In

addition, Memorial Health System of East Texas must submit a report to the Texas Diabetes Council regarding the effectiveness of the pilot program and any recommendations to continue, expand, or eliminate the pilot by October 1, 2008.

HB 3837 (Rep. Gonzalez Toureilles/Senator Hegar) Relating to regulation by the Railroad Commission of injection wells used for in situ uranium mining: HB 3837 clarifies the exploration permitting process under the jurisdiction of the Railroad Commission and requires community notification of applications. It does not affect DSHS radiation control programs.

HB 3838 (Rep. Gonzalez Toureilles/Senator Hegar) Relating to regulation of injection wells used for in situ uranium mining by the Commission on Environmental Quality: HB 3838 expands the Texas Commission on Environmental Quality's jurisdiction to cover wells used in the development of information that the Commission requires for area permit applications. It does not affect DSHS radiation control programs.

SB 10 (Senator Nelson/Rep. Delisi) Relating to the operation and financing of the medical assistance program and other programs to provide health care benefits and services to persons in this state: SB 10 primarily contains provisions designed to reform and expand the Medicaid program and to expand health coverage to uninsured persons. However, the bill also includes several provisions that impact DSHS. Among other provisions, SB 10:

- Returns Medical Transportation Program authority from the Department of Transportation to the Health and Human Services Commission.
- Allows tailored benefit packages for non-Medicaid populations.
- Establishes standards for and creates a workgroup to assess uncompensated hospital care reporting and analysis.
- Requires that any vehicle transporting a patient by stretcher to hold a license as an EMS provider.
- Expands screening options and Medicaid treatment coverage under the Breast & Cervical Cancer Treatment Act.

SB 11 (Senator Carona/Rep. Cortez) Relating to homeland security: SB 11 establishes several different provisions related to homeland security. There are two provisions that relate to DSHS:

- It requires that records of the antivirals, vaccines or other medications administered to both adults and children during times of emergency be included in ImmTrac. It authorizes individuals to choose to maintain their immunization records in the registry; without a written request by an individual to maintain the individual's immunization records in the registry, the records will be removed upon expiration of the period determined by the Health and Human Services Commission after the end of the emergency. The law allows providers, birth registrars, and local registries to affirm that they have consent on file in their offices and removes the requirement that DSHS verify consent.
- The bill also provides a mechanism for DSHS or a health authority to order reasonable and necessary control measures for a group of five or more persons who have been exposed to or infected with a communicable disease to prevent the introduction, transmission, and spread of the disease. This would be an alternative to issuing control orders on an individual basis.

SB 24 (Senator Nelson/Rep. Susan King) Relating to reimbursement under the state Medicaid program for certain health care services provided through telemedicine: SB 24 sets specific requirements relating to certain healthcare services provided through telemedicine. The bill also extends the current the Health and Human Services Commission telemedicine pilot until September 1, 2009, which allows community mental health centers to bill Medicaid for certain psychiatric services delivered via telemedicine links in certain rural and medically underserved areas.

SB 29 (Senator Nelson/ Rep. Truitt) Relating to creation of a minimum data set for the collection of information on health professionals by the statewide health coordinating council: SB 29 establishes minimum data requirements on initial license application and renewal forms for specified health professions. The Department of Information Resources will provide this data to the DSHS Center for Health Statistics for research and analysis on health profession trends and supply.

SB 74 (Senator Lucio/Rep. Guillen) Relating to the creation of an address confidentiality program to assist victims of family violence, sexual assault, or stalking in maintaining confidential addresses: SB 74 requires the Attorney General's office to establish an alternative address that can be used by victims of family violence and other crimes. The bill includes exceptions for disclosure of actual addresses, such as for purposes of partner notification under DSHS HIV/STD activities. DSHS programs indirectly impacted by this law will follow guidelines established in rules adopted by the Attorney General. The rules may permit an agency to require actual addresses if necessary to perform an agency duty or function.

SB 91 (Senator Van de Putte/ Rep. Zedler) Relating to point-of-sale health warnings for tobacco products: SB 91 requires point-of-sale tobacco signage to include certain text regarding the risk of smoking during pregnancy. The bill also authorizes the comptroller to accept gifts or grants to perform the duties under this section. DSHS is not involved with implementation of this bill.

SB 99 (Senator Zaffirini/Rep. Guillen) Relating to the identification of and provision of assistance to colonias and for tracking the progress of certain state-funded projects that benefit colonias: SB 99 amends the definition of "colonia" and adds state agencies and other entities, including the Health and Human Services Commission, to the list of agencies from which the Secretary of State (SOS) must compile specific information pertaining to colonias. DSHS is already included in this list and will continue to collaborate with SOS on this requirement. The bill also modifies the due date for the existing report.

SB 123 (Senator Deuell/Rep. Latham) Relating to excepting certain personal information concerning a minor from required disclosure under the public information law: SB 123 pertains only to certain information maintained by a municipality and therefore has no impact on DSHS.

SB 140 (Senator Nelson/Rep. Kolkhorst) Relating to a study of the feasibility of providing immunizations to certain students enrolled in health professional degree programs: SB 140 requires DSHS and the Texas Higher Education Coordinating Board to conduct a joint study of the feasibility of providing immunizations without charge or at a discount to economically disadvantaged students enrolled in health professional degree programs at institutions of higher education in this state. The study must examine potential methods of providing those

immunizations. Not later than January 15, 2009, DSHS and the Coordinating Board must submit to the legislature a joint written report containing the findings of the study and recommendations.

SB 141 (Senator Nelson/Rep. Morrison) Relating to a feasibility study regarding joint health science courses at public institutions of higher education: SB 141 authorizes the Coordinating Board, in consultation with the administrative head or designee of each agency included in the Health Professions Council and representatives of higher education institutions, to evaluate the feasibility of a public or private institution of higher education providing courses in which students enrolled in different health science or health profession education programs may enroll to study basic health science curricula together.

SB 143 (Senator West/Rep. Veasey) Relating to fetal and infant mortality review and health warnings related to fetal and infant mortality: SB 143 authorizes the creation of fetal and infant mortality review teams by a local health authority or official or DSHS. The bill specifies that the purpose of the review team is to improve the health and well-being of women, infants and families; reduce racial disparities in rates of fetal and infant mortality; facilitate the operations of the team; and develop and deliver reports of findings to the community. It also establishes the review team as a governmental unit and lists the specific duties of the team.

SB 155 (Senator Zaffirini/Rep. Madden) Relating to the regulation of chemical dependency counselors: SB 155 creates a new option for the supervision of chemical dependency counselor interns, and requires DSHS to certify clinical supervisors. It also requires DSHS to approve peer assistance programs for Licensed Chemical Dependency Counselors and updates references to the Texas Commission on Alcohol and Drug Abuse to reflect the correct name of the administering agency.

SB 156 (Senator Shapiro/Rep. Madden) Relating to a competitive grant program to fund nurse-family partnership programs in certain communities in this state: SB 156 directs the Health and Human Services Commission to establish a competitive Nurse-Family Partnership (NFP) grant program. NFP is a nurse-based home visiting case management program that serves low income women in their first pregnancy and for two years postpartum. Although there are no specific mandates for DSHS, the Health and Human Services Commission will coordinate implementation with DSHS case management and Title V staff because of the potential overlap in populations served.

SB 166 (Senator West/Rep. Madden) Relating to a prison diversion progressive sanctions program: SB 166 requires the Criminal Justice Assistance Division (CJAD) of the Texas Department of Criminal Justice to make grants to selected local probation departments to implement a system of progressive sanctions to reduce probation revocation rates. The counties must submit a plan to CJAD targeting medium-risk and high risk defendants and offering other components outlined in this bill including the use of certain inpatient and outpatient treatment options for substance abuse and mental health treatment.

SB 175 (Senator Wentworth/Rep. Parker) Relating to the calculation of certain deadlines under the public information law: SB 174 amends current law to clarify that the calculation of deadlines under the public information law is based on business days rather than calendar days.

SB 199 (Senator Nelson/Rep. Rose) Relating to certain convictions barring employment at certain facilities serving the elderly or persons with disabilities: SB 199 adds new offenses to the

list of those that constitute an obstacle to employment within a covered facility serving the elderly or persons with disabilities. This would affect potential employees of DSHS state hospitals and facilities with which a local mental health authority contracts.

SB 204 (Senator Nelson/Rep. Delisi) Relating to certain electronic medical records systems: SB 204 requires vendors selling, leasing, or providing electronic medical record software packages or systems to individuals who administer immunizations within Texas or to entities who manage immunization records to provide a package or system that can electronically interface and generate electronic reports containing the necessary fields to populate the ImmTrac immunization registry. The law requires that the fields required comply with federal standards.

SB 228 (Senator Harris/Rep. Eiland) Relating to suits affecting the parent-child relationship, including proceedings for the establishment, modification, and enforcement of child support: SB 228 requires DSHS to refuse to renew a license upon notification from the Office of the Attorney General that a license holder has failed to pay child support for six months or more, unless it is notified of certain changes in the licensee's child support payment status. Rules and procedures are in place to suspend a license for failure to pay child support or to comply with a child custody order.

SB 288 (Senator Nelson/Rep. Delisi) Relating to health care-associated infection rates at certain health care facilities and the creation of an advisory panel: SB 288 requires DSHS to establish a 16-member Advisory Panel on Health Care-Associated (HCA) Infections to guide the implementation, development, maintenance, and evaluation of an HCA reporting system. In addition, this bill:

- Requires DSHS to reimburse advisory panel members for travel expenses incurred for advisory panel activities.
- Requires DSHS, not later than June 1, 2008, to establish the Texas Health Care-Associated Infection Reporting System within the DSHS infectious disease surveillance and epidemiology branch.
- Requires DSHS to provide education and training and work closely with health care facilities in implementing and maintaining the system.
- Requires the Health and Human Services Commission, by rule and in consultation with the advisory panel, to establish the frequency of reporting.
- Establishes enforcement provisions for violations by certain hospitals and ambulatory surgical centers.
- Allows the Executive Commissioner of the Health and Human Services Commission to adopt rules to implement requirements

SB 415 (Senator Lucio/Rep. McReynolds) Relating to a risk assessment program for Type 2 diabetes and the creation of the Type 2 Diabetes Risk Assessment Program Advisory Committee: SB 415 modifies the diabetes screening project currently administered by the UT-Pan Am Border Health Office by changing the focus from acanthosis nigricans screening to a Type 2 diabetes risk assessment program. The bill places new responsibilities on the office, including a requirement to consult with the Board of Nurse Examiners on training needs and to post and annually update information on the office's website. The bill provides for electronic recording and reporting of information by affected school districts and specifies information that must be provided to parents of children who are screened under the program. It also establishes a

committee to advise the Office on the administration of the program; the committee shall include five members to be appointed by the chair of the Diabetes Council, including one representative of the council.

SB 453 (Senator Ellis/Rep. Y. Davis) Relating to the testing of certain inmates for HIV or AIDS: SB 453 requires the Texas Department of Criminal Justice to test certain inmates entering into a correctional facility for HIV during the diagnostic process. DSHS is not involved with implementation of this bill.

SB 530 (Senator Nelson/Rep. Eissler) Relating to physical activity requirements and physical fitness assessment for certain public school students: SB 530 establishes minimum daily physical activity requirements for public school students and requires each school district to conduct an annual physical fitness assessment of all students in grades three through twelve. The Texas Education Agency's analysis of the physical fitness assessments will be reported to the statewide School Health Advisory Committee (SHAC), which is administratively supported by DSHS. The statewide SHAC is required to assess the effectiveness of coordinated school health programs, based on the analysis, and recommend modifications to such programs or related curriculum.

SB 552 (Senator Deuell/Rep. Truitt) Relating to the accreditation of basic food safety education and training programs for food handlers: SB 552 creates a new program, Accreditation of Food Handlers Training Programs, to be administered by DSHS. DSHS will set standards and develop curriculum to define the basic food safety training required for a program to be accredited.

SB 555 (Senator Lucio/Rep. Hilderbran) Relating to designating April as Texas Fruit and Vegetable Month: SB 555 designates April as Texas Fruit and Vegetables Month to promote awareness of the health benefits of fruits and vegetables and to encourage Texans to consume more fruits and vegetables. The observance will be recognized regularly through appropriate celebrations and promotional activities. There are no specific mandates for DSHS in this bill, but it is expected that appropriate activities could be implemented by the agency's existing 5-A-Day coordinator.

SB 556 (Senator Lucio/Rep. McReynolds) Relating to the creation of an interagency obesity council: SB 556 requires the Commissioners of State Health Services, Agriculture and Education or their designees to meet at least annually to discuss the status of each agency's obesity prevention programs and consider the feasibility of tax incentives for employers who promote obesity prevention activities in the workforce. The bill also requires the agency representatives to submit a report and recommendations every odd-numbered year.

SB 592 (Senator Wentworth/Rep. Parker) Relating to special notice to the news media of the meeting of a governmental body in certain situations under the open meetings law: SB 592 amends current law to state that notice of open meetings can be provided to the news media by fax or electronic communications.

SB 608 (Senator Ellis/Rep. Callegari) Relating to restrictions on state contracts with certain contractors: SB 608 prohibits state agencies from accepting bids or awarding contracts that include proposed financial participation by a person who was, during the preceding five years, convicted of violating a federal law or assessed a penalty in connection with a disaster.

SB 680 (Senator Williams/Rep. Eiland) Relating to certain swimming pools as public nuisances in the unincorporated areas of counties: SB 680 adds a requirement that the fence securing a pool on abandoned property be locked and the pool covered. The bill allows counties to immediately secure an abandoned pool by installing a locked fence and a cover over the pool prior to the hearing process. It also allows counties to abate the nuisance posed by abandoned pools by installing a locked fence and cover or draining and filling the pool instead of demolition and removal. SB 680 does not affect DSHS regulatory authority.

SB 687 (Senator Shapleigh/Rep. Solomons) Relating to the use of TexasOnline by state agencies and local governments: SB 687 authorizes agencies to accept credit and debit card payments for services and data provided via TexasOnLine. It also requires agencies to modify their public websites to conform to standards that are to be developed by DIR.

SB 758 (Senator Nelson/Rep. Rose) Relating to child protective services: SB 758 contains numerous provisions affecting child protective services activities in Texas. However, there are two provisions related specifically to DSHS:

- The bill directs DSHS to implement an efficient and effective method of verifying birth information, or providing copies of certified birth records as needed for services provided to minors by the Department of Family and Protective Services and states that DSHS and the Department of Family and Protective Services will enter into a memorandum of understanding (MOU) to implement this section.
- The terms of the MOU will include methods for reimbursing DSHS for the actual costs of verifying the birth information or providing the birth record. The bill also specifies that a DSHS representative (preferably the agency's medical director) will chair the Committee on Pediatric Centers of Excellence Relating to Abuse and Neglect and establishes the responsibilities of the committee.

SB 778 (Senator Harris /Rep. Truitt) Relating to the use of an electronic broadcast system to conduct certain hearings regarding court-ordered mental health services: SB 778 enables video conferencing or an electronic broadcast system to be used to conduct certain hearings regarding court-ordered mental health services under certain circumstances. Written consent to the use of an electronic broadcast system for the hearing would have to be filed with the court by the patient and or his/her attorney and the county or district attorney. The electronic broadcast system must provide for a simultaneous, compressed full motion video, and interactive communication of image and sound between the judge, the county or district attorney, the attorney representing the patient, and the patient. It must also allow private communications between the patient and the patient's attorney. The court must provide for a recording of the hearing to be made and preserved until any appellate proceedings have been concluded.

SB 791 (Senator Williams/Rep. Eiland) Relating to classifying oysters as an inherently unsafe product for personal consumption: SB 791 adds oysters to the list of items considered inherently unsafe. The bill has no impact on DSHS regulatory programs.

SB 802 (Senator Nichols/Rep. Susan King) Relating to the child fatality review process, including the composition and functions of the child fatality review committee: SB 802 adds representatives of the Department of Public Safety and the Department of Transportation to the existing statewide Child Fatality Review Team. The bill also modifies membership terms and changes the due date for the annual report to allow sufficient time to compile relevant data.

SB 811 (Senator Janek/Rep. Dukes) Relating to requiring the Department of Health Services to allow health care providers to use certain vaccines in the vaccines for children program: SB 811 requires DSHS to allow physicians in the Texas Vaccines for Children Program (TVCP) to select any influenza vaccine from the federal list if approved by the USDA and recommended by the federal Advisory Committee on Immunization Practices (ACIP) and either within the limits of vaccines annually allocated by the CDC or available with additional CDC funds. In addition, where two or more manufacturers produce equivalent vaccines, DSHS shall procure an equal supply of the vaccine from each manufacturer, if approved by the USDA and recommended by the ACIP. These vaccines must be available to DSHS through the CDC and only if the cost to DSH is not more than 110 percent of the lowest-priced equivalent vaccine.

SB 814 (Senator Janek/Rep. Dukes) Relating to environmental lead investigations by the Department of State Health Services: SB 814 gives DSHS the authority to conduct environmental lead investigations when the blood levels of a screened child are elevated. This bill also allows DSHS to adopt rules concerning follow-up care for children with elevated blood lead levels in a manner that is consistent with federal guidelines.

SB 839 (Senator Duncan/Rep. Madden) Relating to the exchange of information among agencies related to the Texas Correctional Office on Offenders with Medical or Mental Impairments and the agencies responsible for continuity of care for offenders: SB 839 clarifies who can share medical information with each other for the purpose of continuity of care for mentally or physically ill offenders in the criminal justice system, by transferring rulemaking authority previously granted to now-defunct state agencies to their successor agencies, and requires the information to be treated in a confidential manner. Additionally, SB 839 adds the bureau of identification and records of the Department of Public Safety to the definition of “agency” in Section 614.017(c)(1), Health and Safety Code, for the sole purpose of providing real-time, contemporaneous identification of individuals in the DSHS client data base.

SB 867 (Senator Duncan/Rep. Pena) Relating to procedures regarding certain criminal defendants who are or may be persons with mental illness or mental retardation: SB 867 allows the state to provide outpatient treatment to those found incompetent to stand trial; limits the maximum time a mentally ill or mentally retarded person can be committed to a DSHS facility or participate in an outpatient treatment program to the maximum time that the person could be confined for the offense for which the person was arrested; establishes guidelines for a court to grant bail to certain persons who were found incompetent to stand trial; establishes procedures for restoration of competency to stand trial periods, extensions of those periods, and reporting requirements by mental health care providers to courts; removes assault from the list of crimes for which a person with a mental illness or mental retardation would automatically be confined to a maximum security unit of a state mental health facility; and requires counties to pay for certain probate court hearings to authorize medication.

SB 908 (Senator Brimer/Rep. McClendon) Relating to the continuation and functions of the State Office of Risk Management. SB 908 is the Sunset legislation that reauthorizes the State Office of Risk Management. This legislation has no impact on DSHS.

SB 943 (Senator Janek/Rep. Truitt) Relating to the licensing and regulation of wholesale distributors of prescription drugs: SB 943 refines Texas law regarding wholesale licensing

requirements, ensures compliance with federal law, and closes loopholes in order to better protect Texas drug consumers.

SB 994 (Senator Nelson/Rep. Delisi) Relating to prescriptions for certain controlled substances: SB 994 allows prescriptions of controlled substances in Schedule III and IV to be communicated electronically to a pharmacy. This change would also allow pharmacies in state hospitals to accept electronic orders.

SB 1058 (Senator West/Rep. Noriega) Relating to the creation of a reintegration counseling program for certain veterans and service members: SB 1058 requires the Adjutant General's department to develop a program to provide referrals to service members for reintegration services. The bill also requires DSHS and the Health and Human Services Commission to develop a directory of services and other resources, tools, and counseling programs available to aid veterans and their immediate families in the reintegration process. The directory will be disseminated through the Texas Information and Referral Network (2-1-1) and on the DSHS website.

SB 1274 (Senator Van de Putte/Rep. Hopson) Relating to the definition of compounding in the preparation of a drug or device by a pharmacist: SB 1274 authorizes the Board of Pharmacy to adopt rules governing the procedures for a pharmacist, as part of compounding, to add flavoring to a commercial product at the request of a patient or a patient's agent.

SB 1306 (Senator Wentworth/Rep. Goolsby) Relating to the attendance by a quorum of a governmental body at certain events under the open meetings law: SB 1306 adds ceremonial events and press conferences to existing exceptions in which a quorum of a governing body can meet without violating open meetings requirements.

SB 1499 (Senator Zaffirini/Rep. Corte) Relating to the meeting notice that a governmental body may post in certain emergency situations: SB 1499 amends current law pertaining to emergency posting of meetings of governmental bodies. The bill clarifies that the sudden relocation of a large number of persons into a governmental body's jurisdiction for a declared disaster area qualifies under emergency situations as described by current law.

SB 1500 (Senator Zaffirini/Rep. Laubenberg) Relating to designating the Donor Education, Awareness and Registry Program of Texas as the Glenda Dawson Donate Life-Texas Registry: SB 1500 renames the existing Donor Education and Awareness Registry (DEAR) in honor of the late representative who authored the DEAR legislation.

SB 1562 (Senator Hinojosa/Rep. Phil King) Relating to animal control officer training: SB 1562 requires animal control officers employed primarily to enforce animal control laws to take basic training courses and continuing education. DSHS is required to set standards for the training and to offer the basic training at least twice a year and offer 12 hours of continuing education yearly in each zoonosis control region; ensure the availability of outside sponsors; issue certificates to and maintain training records of each person who satisfactorily completes a course under this new chapter; and issue certificates of compliance to certain shelter, impoundment, and quarantine facilities. The commissioners' court of a county with fewer than 75,000 people may issue an order exempting the county from this requirement.

SB 1566 (Senator Patrick/Rep. Jackson) Relating to the creation of the Texas Bleeding Disorders Advisory Council: SB 1566 creates the Bleeding Disorders Advisory Council, to be administratively supported by DSHS. The Council is required to study and advise the Health & Human Services Commission, DSHS and the Department of Insurance on issues affecting the health and well-being of persons with hemophilia and other bleeding and clotting disorders.

SB 1604 (Senator Duncan/Rep. Bonnen) Relating to responsibilities of certain state agencies concerning radioactive substances: SB 1604 transfers from DSHS to the Texas Commission on Environmental Quality responsibility for radioactive waste processing, including the federal waste currently stored at the Andrews County facility, and the uranium program, including permit applications, procedures and resources. The bill is effective immediately.

SB 1658 (Senator Nichols/Rep. Hopson) Relating to the authority of a pharmacist to fill certain prescriptions in the event of disaster: SB 1658 limits the number of days supply for emergency refills of prescription drugs by pharmacies during disasters. It does not allow the refill of a Schedule II controlled substance.

SB 1694 (Senator Nelson/Rep. Jackson) Relating to fraud investigations and criminal offenses involving the Medicaid Program: SB 1694 requires licensing programs and agencies that regulate professionals that may participate in the state Medicaid program to exchange information with other licensing agencies and the Office of the Attorney General regarding alleged Medicaid fraud or abuse. The bill also addresses timeliness and the confidentiality of information.

SB 1714 (Senator Seliger/Rep. Smithee) Relating to the regulation of dairy products: SB 1714 creates a new program, applying to the same manufacturing standards to non-Grade A manufactured milk products as are currently applied to Grade A milk. This will result in a more uniform system of dairy regulation in Texas. To pay for the more intensive inspection process that will result, this bill imposes a fee of 1.5 cents for each 100 pounds of dairy products produced by a non-Grade A manufacturer.

SB 1731 (Senator Duncan/Rep. Isett) Relating to consumer access to health care information and consumer protection for services provided by or through health benefit plans, hospitals, ambulatory surgical centers, and birthing centers: SB 1731 requires DSHS to post a consumer guide to health care on the agency's website with specified information concerning health care charges as well as links to websites related to health care quality. The bill requires certain health care facilities to develop and enforce consumer-oriented policies related to billing for services and supplies. SB 1731 also adds free-standing imaging centers to the list of facilities from which DSHS can collect data under the Texas Health Care Information Council (THCIC) and requires DSHS to prioritize data collection efforts on inpatient and outpatient surgical and radiological procedures from hospitals, ambulatory surgical centers, and free-standing radiology centers. HB 1 appropriates funds to DSHS to expand THCIC data collection efforts in accordance with this bill.

SB 1761 (Senator Uresti/Rep. Deshotel) Relating to the pilot program to provide health services to state employees in state office complexes: SB 1761 amends last session's law that established an on-site clinic at the TCEQ headquarters. The bill does not impact DSHS.

SB 1879 (Senator Williams/Rep. Hamilton) Relating to the regulation of controlled substances: SB 1879 amends the Texas Controlled Substances Act by creating an all schedules drug monitoring program. This program is the responsibility of the Department of Public Safety.

SB 1896 (Senator Lucio/Rep. Delisi) Relating to the distribution and redistribution of certain drugs: SB 1896 seeks to facilitate the donation of unused prescription drugs by amending the definition of charitable medical clinic to include community pharmaceutical access programs that donate drugs. The bill also defines community pharmaceutical access program.

SCR 1 (Senator Nelson/Rep. Gonzales) Encouraging the National Health Services Corps Ambassador Program to coordinate with the Primary Care Office at the Department of State Health Services: SCR 1 encourages coordination of effort between the National Health Service Corp (NHSC) Ambassador Program and the DSHS Primary Care Office. Although the Primary Care Office is the Texas liaison to the NHSC, there is currently no formal arrangement between the Primary Care Office and the Ambassador program. Such coordination could be effective in recruiting and retaining health care professionals in federally designated shortage areas and thereby improving access to services in those areas.