

**DFW-APIC Government Affairs Committee (GAC) – 81<sup>st</sup> Texas Legislative Session**

July 2009

TEXAS REGISTER: <http://www.sos.state.tx.us/texreg/index.shtml>

- **ADOPTED:** The 12/05/08 proposed changes to the operating requirements for ASC's have been adopted as of 06/12/09 (pages 3948-3981): **TITLE 25. HEALTH SERVICES; PART 1. DEPARTMENT OF STATE HEALTH SERVICES; CHAPTER 135. AMBULATORY SURGICAL CENTERS.**
- The **PROPOSED** rule change of 05/29/09: **Chapter 97. COMMUNICABLE DISEASES Subchapter A. CONTROL OF COMMUNICABLE DISEASES 25 TAC §97.7** has not been adopted as of 06/26/09.

TEXAS 81<sup>st</sup> LEGISLATIVE SESSION

- As of 07/01/09 GAC has reviewed 290 filed bills with the words “infection” or “disease” and the twenty-five (25) listed below have the potential to impact the practice of infection prevention and control at the healthcare facility level and/or immunization system. The bill status is listed under “Last Activity” as of 07/01/09. Last day of 81<sup>st</sup> Regular Session was 06/01/09 and the last day our governor can sign/veto bills during the *regular* session was 06/21/09. We have a query out to ask about the ‘life’ of SB 7, SB 188, HB 253, and HB 2383 – Will provide an update with our August 2009 GAC Report.
- The sixteen (16) shaded bills below are those with activity (moving).
- Six (06) bills will be law as of 09/01/09 (circled in table below).
- Bills listed as “Sent to the Governor” become law within 30 days if not vetoed.

Texas Bills Filed with Infection Control Content\*

Bill Name	Last Activity	Summary of Content
SB 7 (Nelson)	Passed Senate 04/17; Placed on House Major State Calendar 05/24  (amended twice)	Relating to strategies for and improvements in quality of health care and care management provided through health care facilities and through the child health plan and medical assistance programs designed to improve health outcomes. NOTE: Requires reporting and non-reimbursement for preventable events (HAI's included). This would expand the SB 288 from last session of HAI Advisory panel to include “preventable” HAI's.
HB 142 (McClendon)	Subcommittee named and work session on 04/16	Relating to disease control programs to reduce the risk of certain communicable diseases (needle and syringe exchange program). <i>Bill did not have a public hearing and was referred directly to a subcommittee by the chair.</i> NOTE: Companion Bill SB 188

Bill Name	Last Activity	Summary of Content
SB 180 (Gallegos)	Referred to State Affairs 02/10	Relating to the creation of a state occupational health and safety plan; establishing a maintenance tax
SB 188 (Duell & Van de Putte)	Passed Senate 03/19; 05/21 placed on House General slate calendar	Relating to disease control programs to reduce the risk of certain communicable diseases (needle and syringe exchange program). NOTE: Companion Bills HB 142 & HB 272 & HB 3707. Amended several times.
SB 203 (Shapleigh)	Signed by Governor 06/19; Effective 09/01/09	Relating to the reporting of MRSA infection rates in hospitals, all units. COMMITTEE SUBSTITUTE LANGUAGE: <u>'including the causative pathogen if the infection is laboratory-confirmed,'</u> ... for the CLABSI's and SSI's from included in SB 288 from last session.
HB 272 (Ortiz Jr.)	Referred to PH 02/17; 04/09 Subcommittee named and work session on 04/16	Relating to disease control programs to reduce the risk of certain communicable diseases (needle and syringe exchange program). <i>This bill did not have a public hearing and was referred directly to a subcommittee by the chair.</i> NOTE: Companion Bill SB 188
SB 291 (Nelson)	Signed by Governor 06/19; Effective Immediately	Relating to hepatitis B vaccination for students enrolled in certain health-related courses of study at an institution of higher education.
SB 347 (Nelson)	Signed by Governor 05/13; Effective 09/01/09	Relating to the receipt and release of immunization information by the immunization registry in connection with a disaster. NOTE: Companion Bill HB 1879 & HB 2383
SB 353 (Shapleigh)	Filed 2/17/09; Referred to HHS 02/17	Relating to nonpayment of hospitals under the state Medicaid program for certain preventable adverse conditions. NOTE: Companion Bill HB 852: Includes HAI's.
SB 494 (Nelson)	Referred to Finance 02/17	Relating to making an appropriation to the Department of State Health Services to be used in connection with the reporting of health care-associated infections at certain health care facilities and the creation of an advisory panel. FUNDING
HB 852 (T.Smith)	04/28 favorably substituted; Placed on House General State Calendar 05/11	Relating to nonpayment of hospitals under the state Medicaid program for certain preventable adverse conditions. NOTE: Companion Bill SB 353: Includes HAI's.

Bill Name	Last Activity	Summary of Content
SB 1171 (Nichols)	Signed by Governor 06/19; Effective Immediately	Relating to certain health-related reports, records, and information. NOTE: Confidentiality Issues (permits interstate data sharing and expands the release of information to federal, local health departments and public health districts).
SB 1213 (Gallegos & Duell)	Filed 02/27/09; Referred to State Affairs 03/13	Relating to certain diseases or illnesses suffered by certain emergency first responders. NOTE: Companion Bill HB 4560. Would add MRSA to the list of things we must report as “exposures” already in law/regulation.
HB 1362 (Gutierrez)	Signed by Governor 06/19; Effective Ongoing in pilot counties until 09/01/11	Relating to the reporting of MRSA. NOTE: Companion Bill SB 1816. Would move the “pilot” program of last session (80 <sup>th</sup> ) of passed HB 1082 to become a standing “Program”. <i>Committee substitute focuses on MRSA infection prevalence by health authorities <b>volunteering</b> to participate and pilot program expires 09/01/11. Also, amended to specifically state this pilot does <u>not</u> include the requirement to report MRSA incident infections via SB 288 of the 80<sup>th</sup> legislative session.</i>
HB 1386 (Y.Davis)	^ 04/07/09; Left pending in committee	Relating to the reporting of HAI’s at healthcare facilities. NOTE: Would change SB 288 passed into law last session (80 <sup>th</sup> )
SB 1535 (Hinojosa)	Filed 03/09/09 Referred to HHS 3/17	Relating to nonpayment of hospitals under the state Medicaid program for certain preventable adverse events and to the reporting of occurrences of those events at certain health care facilities. NOTE: Companion Bill HB 3233: Requires reporting and no payment for preventable adverse events including HAI’s.
SB 1816 (Van de Putte)	Filed 03/11/09; Referred to HHS 03/20; ^ 04/30 & Reported as substituted 05/05 and then committee report printed and distributed	Relating to the reporting of MRSA. NOTE: Companion Bill HB 1362. Would move the “pilot” program of last session (80 <sup>th</sup> ) of passed HB 1082 to become a standing “Program”. <i>Committee substitute focuses on MRSA infection prevalence by health authorities <b>volunteering</b> to participate and pilot program expires 09/01/11.</i>
HB 1879 (J.Davis)	Filed 02/26/09; Referred to PH 3/5	Relating to the receipt and release of immunization information by the immunization registry in connection with a disaster. NOTE: Companion Bill SB 347 & HB 2383

Bill Name	Last Activity	Summary of Content
HB 1879 (J.Davis)	Filed 02/26/09; Referred to PH 3/5	Relating to the receipt and release of immunization information by the immunization registry in connection with a disaster. NOTE: Companion Bill SB 347 & HB 2383
HB 2383 (Kolkhorst)	04/27 Laid on table subject to call	Relating to the receipt and release of immunization information by the immunization registry in connection with a disaster. NOTE: Companion Bills SB 347 & HB 1879) .... Also see SB 347
HB 3099 (Leibowitz)	Filed 03/10/09; Referred to PH 03/18	Relating to the reporting of preventable adverse events and the establishment of a patient safety program in hospitals and ambulatory surgical centers; providing an administrative penalty. NOTE: Includes some HAI's (similar to CMS's POA Initiative).
HB 3100 (Leibowitz)	Filed 03/10/09; Referred to PH 03/18	Relating to billing for certain adverse events that occur during the provision of health care services. NOTE: To establish a pilot program for 'Pay for Performance' similar to CMS (includes HAI's).
HB 3233 (J.Davis)	Referred to PH 03/18; ^ 04/21 and left pending in committee	Relating to nonpayment of hospitals under the state Medicaid program for certain preventable adverse events and to the reporting of occurrences of those events at certain health care facilities. NOTE: Companion Bill SB 1535: Requires reporting and no payment for preventable adverse events including HAI's.
HB 3707 (Coleman & Ortiz Jr.)	Referred to PH 03/19; 04/09 Subcommittee named and work session on 04/16	Relating to disease control programs to reduce the risk of certain communicable diseases (needle and syringe exchange program). <i>This bill did not have a public hearing and was referred directly to a subcommittee by the chair.</i> NOTE: Companion Bills HB 142 & HB 272 & SB 188
HB 4560 (Naishtat)	Signed by Governor 06/19; Effective 09/01/09	Relating to certain diseases or illnesses suffered by certain emergency first responders. NOTE: Companion Bill SB 1213. Would add MRSA to the list of things we must report as "exposures" already in law/regulation.

\* Go to [www.capitol.state.tx.us/](http://www.capitol.state.tx.us/) to view content of bills filed

^ Scheduled for Public Hearing

Submitted: P.Grant 2009 APIC-DFW GAC Chair

2009 APIC-DFW Committee: Patti Grant, Chair; Brian Blausler; Brenda Helms; Michelle Macaluso