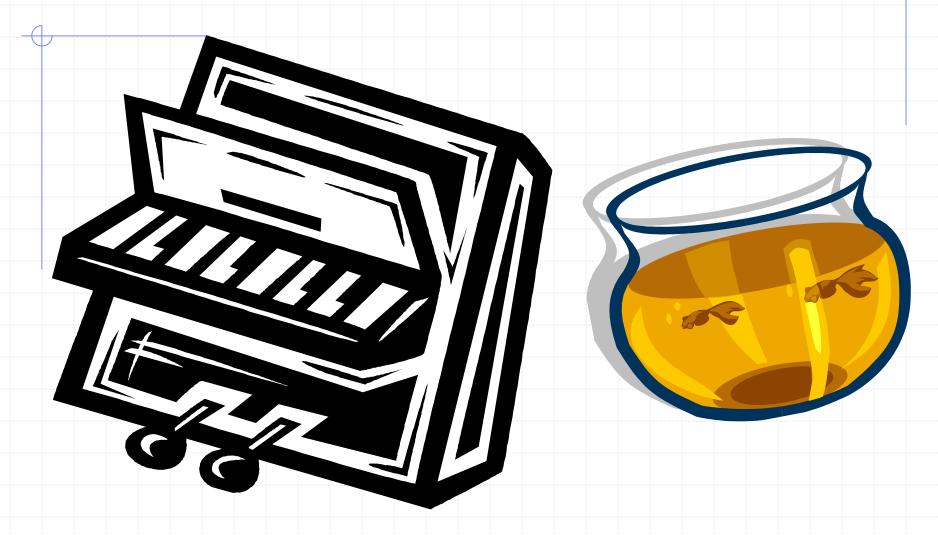
APIC-DFW Annual Conference

IP&C Texas Legislative & Rule Roadmap

Patti Grant, RN, BSN, MS, CIC, FAPIC
IP / ISO Lead Audit
Methodist Hospital for Surgery
Addison, Texas

pgrant@methodistsurg.com

WORDS: Be Very Specific



MES OBJECTIVE



OBJECTIVES - Phase I

- STATE DIFFERENCE BETWEEN
 - Bill
 - Law
 - Statute
 - Health & Safety Code
 - Rule
 - Texas Register
 - Texas Administrative Code

OBJECTIVES - Phase II

- Describe How Each Are Processed, Passed, and/or Adopted in Texas:
 - Bill
 - Law
 - Statute
 - Health & Safety Code
 - Rule
 - Texas Register
 - Texas Administrative Code

OBJECTIVES - Phase III

- Pulling it all together
 - Provide URL's to track bills
 - Provide URL's to access information not specifically related to a legislative session
 - Describe the exact process to testify on Bills
- How to provide comment on proposed Rules

What's In A Word?



- Is just a piece of paper until it becomes a law
 - Must have a legislator to file a bill
 - The legislative House or Senate Representative
 - All filed bills are assigned a number depending on who is filing the bill HB vs. SB
 - The lower the # the more chance it has of moving (clout)
- Then it is read for the first time
- Assigned to the appropriate committee

What's In A Word?



- Like giving birth ...
- A filed bill that has made it through the process and is now binding according to the state -- a written law
- It has been set down by the legislature
- Includes an active date for compliance

What's in a Word?

STATUTE

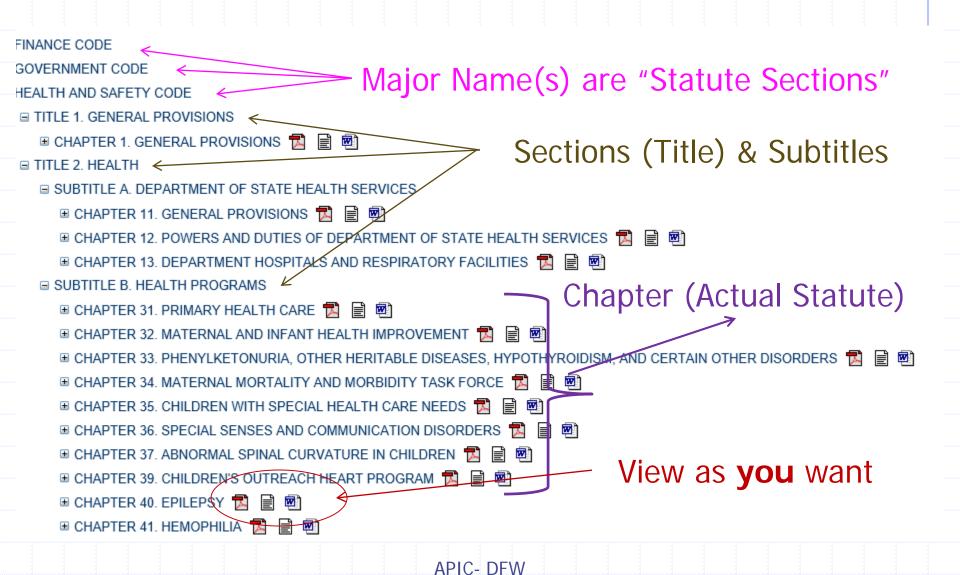
- Is an organization of written laws
- It is a law established by an act of the legislature
- But is then assigned to a specific location
- This written law is then published ... in the Texas Health and Safety Code

So ... Where do Statutes Live?

- **TEXAS HEALTH & SAFETY CODE**
- Divided into 12 separate TITLES
 - Each title has numerous chapters
 - Each chapter has numerous sections
 - The actual section is the published law (now called a statute since it is published and assigned to a specific location)

https://statutes.capitol.texas.gov/?link=HS

https://statutes.capitol.texas.gov/?link=HS



10.18.19

Texas Health & Safety Code

Which key sections apply to IP&C Practice?

■ TITLE 2 -- Health

- CHAPTER 81: Communicable Diseases
- CHAPTER 85: AIDS & HIV
- CHAPTER 98: Reporting of HAI & PAE

TITLE 4 – Health Facilities

- CHAPTER 241: Hospitals
- CHAPTER 242: Convalescent & Nursing Homes
- CHAPTER 243: Ambulatory Surgery Centers

What's in a Word?

♦RULE

- Are the teeth that provide the exact how to regarding laws (statutes) that have been passed by the legislature ... The <u>Roadmap</u>
- The rules in place to help enforce laws
 - Texas Administrative Code (TAC):
 - A collection of all state agency rules
 - Divided into separate titles representing agencies

How Do These Words Mesh?

- 1. Bill
- 2. Law
- 3. Statute
- 4. Texas Health & Safety Code
- 5. Rule
- 6. Texas Administrative Code

The \$64K Question

MUST ALL LAWS HAVE RULES WRITTEN?

?

्यी १

?

◆ IF A RULE ISN'T WRITTEN, THEN DO WE STILL HAVE TO DO IT?

How To Track A Bill

- Go to http://www.capitol.state.tx.us/
- Be sure in correct legislative session
- Can do a word search (disease, infection)
- Can type in the 'bill number'
 - Be sure the option bill number is clicked so you can get the history of the bill
 - Then type in the specific bill
 - **HB** 378, **SB** 288, etc.
 - Click on what you want to view according to options at the top of the page



86th Legislature Regular Session Texas Legislature Online

http://www.capitol.state.tx.us/

My TLO

House Senate Legislation Search Committees Calendars

x Go

Texas House

- Home
- Speaker of the House
- Members
- Committees
- Committee Meetings
- Committee Witnesses
- Calendars
- Current Amendment
- Journals
- News
- . House Research Organization
- Kids' House

Texas Senate

- Home
- Lieutenant Governor
- Members
- Committees
- Committee Meetings
- Calendars
- Journals
- News
- Senate Research Center
- Senate Kids

Related Links

Search Legislation

Legislature: | 86(R) - 2019

Word/Phrase Bill Number

SB 384

Additional Searches

Text Search Statutes

Bill Lookup Constitution

Bill Search Reports Amendments View Votes

Sections Affected Administrative Code

Legislative Archive System

How Do I ...

Find list of filed bills?

Follow the status of a bill?

Contact my legislator?

Find how a legislator voted?

Find when hearings are scheduled?

View the text of a bill?

Testify at a House committee hearing?

more>>

My TLO

Track Legislation With Bill Lists

Receive Bill and Meeting Alerts

Subscribe to RSS Feeds M

Access Mobile Version of TLO

Access a mobile version of TLO, Who Represents Me, and DistrictViewer on an iPhone, iPad, or other mobile device. From the mobile device browser, enter www.txlegis.com, NOTE: Some applications or features within an application may not be accessible on all mobile devices.

Legislative Activity

Video Broadcasts: House | Senate Today's Calendars: House | Senate | All Today's Meetings: House | Senate | All Today's Filed Bills: House | Senate | All Today's Votes: House | Senate

Legislative Process



√ ► How a Bill Becomes Law How to Follow A Bill Dates of Interest | Glossary End of Session Deadlines

Who Represents Me?

Enter your address to find who represents you in the legislature.

Address:

City:



My TLO House Senate Legislation Search Committe

Results

View Search Criteria

Bills 1 through 3 out of 3 matches.

✓ Show Caption ✓ Show Excerpt ☐ Sort by Bill Number



86(R) SB 384 - Introduced Version - Bill Analysis

Excerpt: Services (CMS) rolled out their HAI reporting rec confusion and inefficiency. S.B. 384 aligns the state report amends current law relating to the reporting of health care



86(R) SB 384 - Introduced Version - Bill Text

Author: Nelson

Caption: Relating to the reporting of health care-associate

Excerpt: 86R5007 SRA-D By: Nelson S.B. No. 384 facilities. BE IT ENACTED BY THE LEGISLATURE OF '

Subsection (a-1) to read as follows: (a)



86(R) SB 384 - Introduced Version - Fiscal Note

Excerpt: LEGISLATIVE BUDGET BOARD Austin, Texas FIS Services FROM: John McGeady, Assistant Director Sarah K preventable adverse events at health care facilities.), As II



Results

View Sear

Bills 1 through 3 out of 3 ✓ Show Caption ✓ Show

History Actions

86(R) SB 384 -

t: Servi)n and Text Curren

Add to Bill List

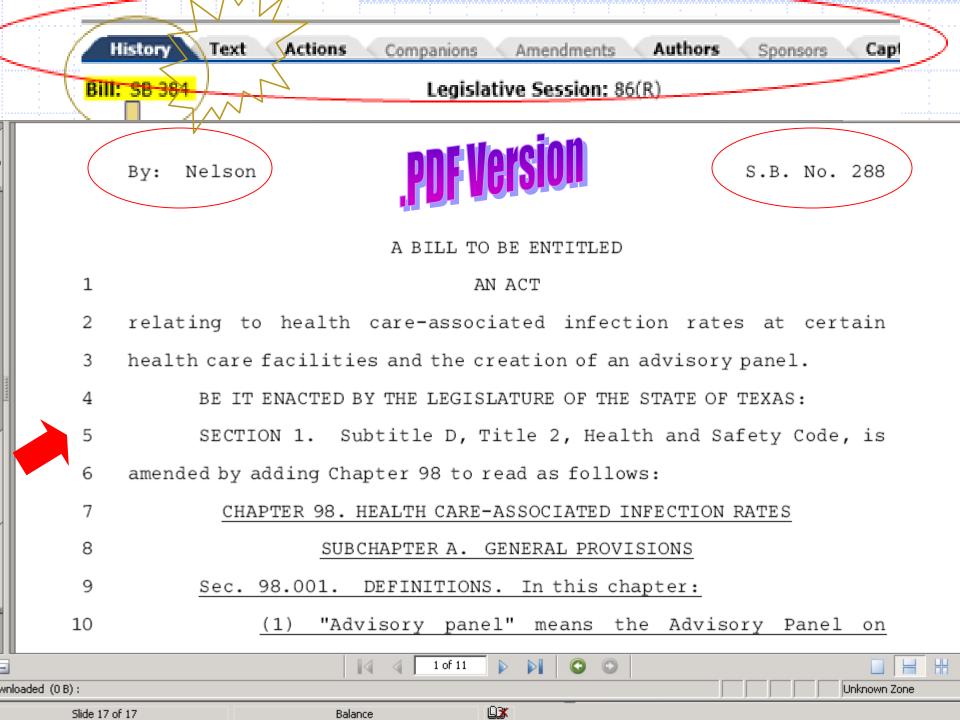
Add to Alert List

Author: Nelso

B 384 -

Hi	History Text Actions Companions Amendments Authors Sponsors Capt							
Bill: 58 384 Legislative Session: 86(R)								
Last	ction:	03/12/2019 S Left pending in committee						
Capt Capt		Introduced Relating to the reporting of health care-associated infection						
Auth	r:	Nelson						
Subj	cts:	Health Care Providers (I0387) HealthOther Diseases & Medical Conditions (I0383) MEDICARE (S6016) HEALTH & HUMAN SERVICES COMMISSION (V0177)						
Sena Stati	e Committee:	STATE HEALTH SERVICES, DEPARTMENT OF (V0463) Click on committee to know who's involved						
Actions: (descending date order)								

	ctions: (acoccitaing date order)		_	
~	Description	Comment <u>Date</u> ▼	Time	Journal Page
S	Left pending in committee	03/12/2019		
S	Testimony taken in committee	03/12/2019		
S	Considered in public hearing	03/12/2019		
S	Scheduled for public hearing on . 4.	03/12/2019		
S	Referred to Health & Human Services	02/14/2019		208
S	Read first time	02/14/2019		208
S	Filed	01/18/2019		
S	Received by the Secretary of the Senat	e 01/18/2019		
3~-				



A Few Legislative Tactics

- File a Companion Bill
 - Increases chances of public hearing
- Left Pending in Committee
 - Can be a good or a bad thing (dead?)
- Attach a bill that is not moving onto another bill as an Amendment

PROVIDING TESTIMONY

- Follow bill on <u>Texas Legislature Online</u>
- Looking for a scheduled public hearing
- Often just 2 or 3 days notice !!!
- YES! YES! ... Location of public hearing
 - House
 http://www.capitol.state.tx.us/Committees/MeetingsHouse.aspx
 - Senate
 http://www.capitol.state.tx.us/Committees/MeetingsSenate.aspx

Suggestion: Written Statement

- Prepare a written statement ...
 - < 4 pages</p>
 - Double-spaced
 - References
- Bring enough copies for each member of the committee
- Give copies of written testimony to clerk when sign-in

Oral Testimony (Statement)

- 1. Acknowledge the Chair and committee
- 2. Thank them for the opportunity
- 3. Introduce Self ... 'On Behalf Of'
- 4. Not a repeat of your written statement
 - Say the same thing in different words
 - Keep statement to <u>2 minutes</u>
- 5. Thank You
- 6. State 'Available for Questions'
 - ✓ OK to say "I don't know ... but can follow-up"



Oral Testimony Process

- Arrive at the proper location <u>early</u> ...
- ... And be prepared to stay very late
- ◆You are calm -- Sign in
- Complete the witness affirmation form: place in the box or give to clerk
 - Declare if "For" or "Against" or "On" Bill
 - Several options available and check appropriately (Written? Oral? Neither?)

Relax Now?!

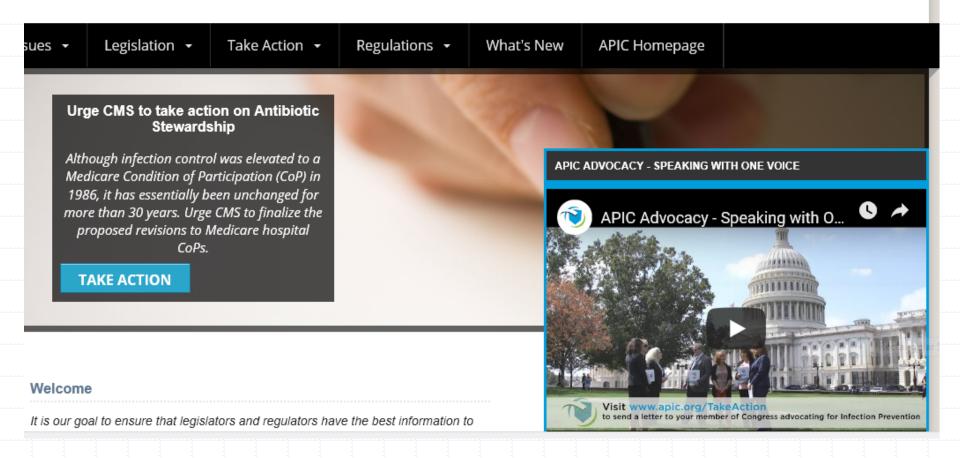
- Not exactly yet ...
- Accept the process is not perfect
 - Continue to follow bill on-line
 - Be looking for a second public hearing in a committee or the other house
 - Be looking for any amendments
 - Be watching for 'Signed by Governor'
 - Watch for Veto's !
 - In Texas: A bill becomes law if not signed by the Governor within 30 days of passage

APIC's VIP Action Center

- Voice of Infection Prevention
- http://capwiz.com/apic/home/
- ◆ FREE ... FREE ... FREE
- Can participate in National IP&C Legislation issues with as few as 5 clicks of a mouse
- Can locate your national and state House and Senate legislators



Association for Professionals in Infection Control and Epidemiology



Texas Example: Law Making

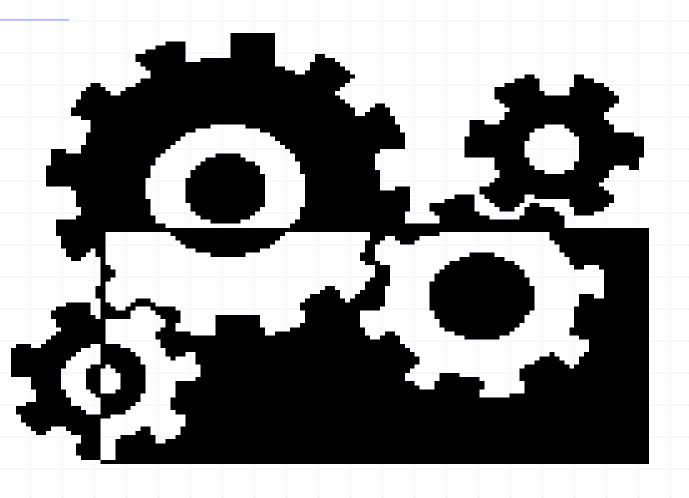






- You Feel VERY passionate about an issue related to your child's education
- ♦ You visit APIC's VIP Action Center or Texas Legislature on-line ... locate your "Zip Code People"
- You are so convincing they file a bill
- You are no longer in the dark because you can follow the bill progress on-line

Let's Switch Gears



The Birth of a RULE

- Rules are published in the <u>Texas Register</u>
 - http://www.sos.state.tx.us/texreg/index.shtml
- Rule: Written because a law was passed
 - AKA: "Mandate" ... "Reg" ... "Regulation"
- Check every Friday for new activity
 - PROPOSED Keep This Date!
 - ADOPTED Within 180 Days ...
 - ... or not "real"

Texas Register:

http://www.sos.state.tx.us/texreg/index.shtml

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Various applications including SOSDirect will be unavailable on Friday, August 23rd from 7 p.m. until Saturday, August 24th at noon. Maintenance details.

X.

Go

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A weekly publication, the *Texas Register* serves as the journal of state agency rulemaking for Texas. Information published in the *Texas Register* includes proposed, adopted, withdrawn and emergency rule actions, notices of state agency review of agency rules, governor's appointments, attorney general opinions, and miscellaneous documents such as requests for proposals. After adoption, these rulemaking actions are codified into the *Texas Administrative Code*. Issues are posted to the website no later than 5 p.m. on the publication day.

Texas Register Issues

- Current Issue (August 16, 2019): HTML | PDF
- Previous Issues: HTML | PDF
- <u>Search the Texas Register</u> (includes January 28, 2000 current issues)
- University of North Texas Libraries Back Issue Archive
- Indexes HTML | PDF
- RSS Feeds XML
- · Office of Consumer Credit Commissioner Interest Rates

It's a FACT Jack ...

- If a RULE is written to clarify a Law (AKA "Statute"), then
- A RULE is **not** written without a Law
- Because ...
 - The Rule provides the Roadmap on how to interpret/enforce the Statute (Law)
 - How, When, Where, Frequency, etc.



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HTML versus .PDF

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HTML: Fast search & read

PDF: Use to print

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- RSS Feeds XML
- · Office of Consumer Credit Commissioner Interest Rates

Shows Where You Are Looking

Texas Register August 16, 2019 Volume 44 Number 33 Pages 4255-4412



IN THIS ISSUE

ATTORNEY GENERAL

Requests for Opinions Opinions

TEXAS ETHICS COMMISSI

Ethics Advisory Opinion

This is 1st chance to view what might be a regulation/mandate (AKA: Rule) written as "roadmap" for a law/statue → public comment instructions are included .. How, when, where

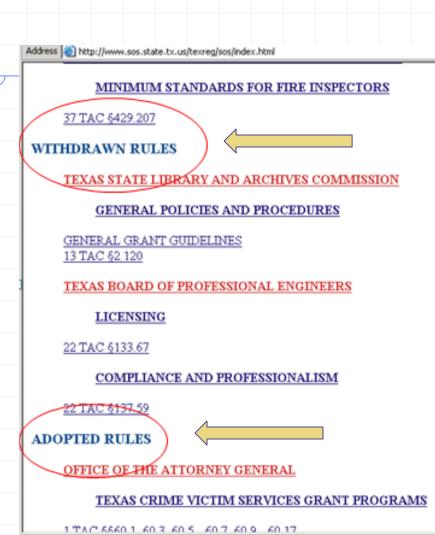
PROPOSED RULES

TEXAS HISTORICAL COMMISSION

ADMINISTRATION DEPARTMENT

13 TAC §11.24

Just a Keep a Scrolling



And just keep a Scrollin'

CONTINUING EDUCATION

37 TAC 6441.5

RULE REVIEW

Proposed Rule Review

State Securities Board

Adopted Rule Reviews Credit Union Department

Teacher Retirement System of Texas

TABLES & GRAPHICS

OPEN MEETINGS

IN ADDITION

Department of Aging and Disability Services

Public Notice Announcing Pre-Application Orientation (PAO) for Enrollment of Medicaid Waiver Program Providers

Office of the Attorney General

Notice of Settlement of a Texas Health and Safety Code Enforcement Action

Coastal Coordination Council

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

Texas Commission on Environmental Quality

Agreed Orders

Tenforcement Orders

Texas Register: The Usual Chapters

→ Same as the Texas Administrative Code



- ◆ TAC 25: Health Services
 - Chapter 96: BBP Control /Public/State Hospitals
 - Chapter 97: Notifiable Conditions
 - Chapter 133: Hospital Licensing
 - Chapter 135: Ambulatory Surgery Centers
 - Chapter 200: Reporting of HAI / PAE
 - <u>TAC 30</u>: Environmental Quality
 - Chapter 330: Municipal Solid Waste
 - Subchapter Y: Medical Waste Management

How To Provide Comment

PROPOSED RULE

- Will have the deadline for public comment
- Will have the instructions for public comment

ADOPTED RULE

- Will be published
- Will include comments submitted and agencies response to those comments
- May just state 'no changes' and not publish
 - Must go back to PROPOSED document

Texas Register → Adopted Housed: <u>Texas Administrative Code</u> (TAC)

- What happened after a proposed rule is adopted?
- Do I keep going back YEARS to find a rule in the Texas Register?!
- ♦NO ... Just go to the <u>TAC website</u>:

https://texreg.sos.state.tx.us/public/readtac\$ex t.ViewTAC?tac_view=2&ti=25

Texas Administrative Code (TAC25): Where 'our' Adopted RULES live

https://texreg.sos.state.tx.us/public/readdtac\$ext.ViewTAC?tac_view=2&ti=25



Texas Administrative Code

TITLE 25

HEALTH SERVICES

Parts

PART 1	DEPARTMENT OF STATE HEALTH SERVICES		99.99
PART 4	ANATOMICAL BOARD OF THE STATE OF TEXAS		
PART 6	STATEWIDE HEALTH COORDINATING COUNCIL	J	
PART 7	TEXAS MEDICAL DISCLOSURE PANEL	Ŭ	
PART 9	TEXAS DIABETES COUNCIL		
PART 11	CANCER PREVENTION AND RESEARCH INSTITUTE OF T	ΈX	AS
PART 12	TEXAS COUNCIL ON ALZHEIMER'S DISEASE AND RELA	TE	D DISORDERS
PART 14	TOXIC SUBSTANCES COORDINATING COMMITTEE		
PART 15	COUNCIL ON CARDIOVASCULAR DISEASE AND STROKE	E	

IP&C / EHS ... Part I 99.9% of the time

Texas Register mirrors organization of TAC ... Exactly ©

IP&C Content

TAC 25: Health Services

Chapter 96: BBP Control /Public/State Hospitals

Chapter 97: Notifiable Conditions

Chapter 133: Hospital Licensing

Chapter 135: Ambulatory Surgery Centers

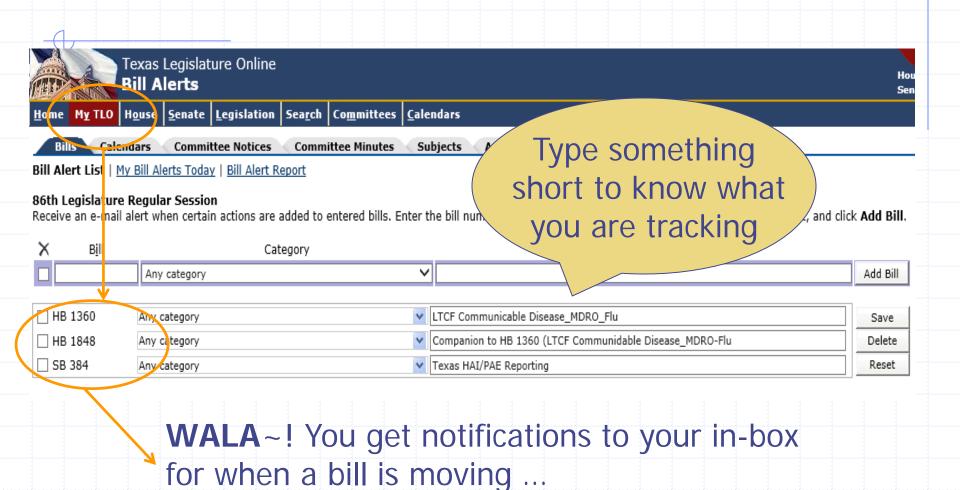
Chapter 200: Reporting of HAI / PAE

TAC 30: Health Services

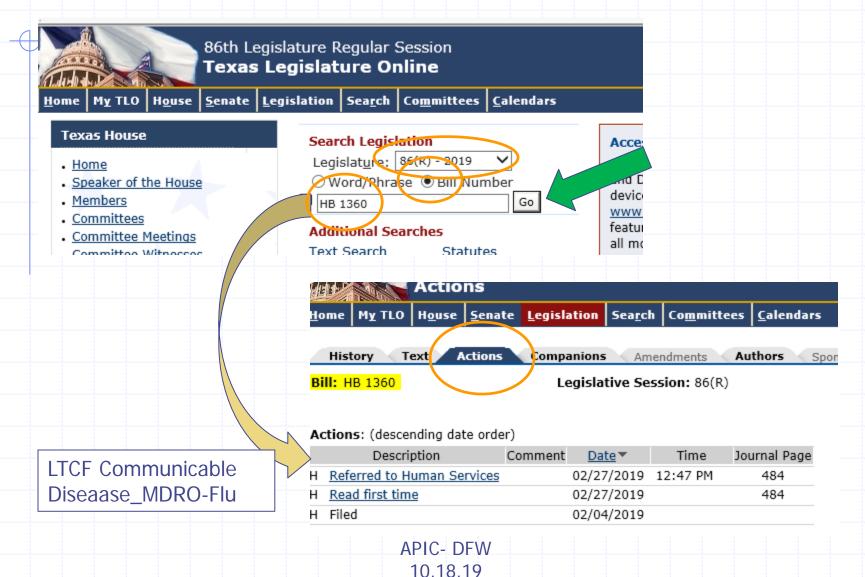
Chapter 330: Municipal Solid Waste

Subchapter Y: Medical Waste Management

How to track a legislative session:



What if you just want to look it up?



APIC-DFW "GAC" Volunteers to review/report Texas Register & Follow Legislation

Texas Legislation Tracking

www.apicdfw.org

- Jasmine Gluck / Chair
- Heather Kirby
- Patti Grant
- Stephanie Kreiling

exemption information and reports:

https://capitol.texas.gov/BillLookup/Actions.aspx?LegSess=86R&Bill=SB329

Relating to requirements for and the transparency of epidemiological reports and certain immunization

Relating to claiming an exemption from required immunizations for public school students:

https://capitol.texas.gov/BillLookup/Actions.aspx?LegSess=86R&Bill=HB1490

Relating to the reporting of health care-associated infections and preventable adverse events at health care facilities:

https://capitol.texas.gov/BillLookup/Actions.aspx?LegSess=86R&Bill=SB384

Relating to the reporting of health care-associated infections and preventable adverse events at health care facilities:

https://capitol.texas.gov/BillLookup/Actions.aspx?LegSess=86R&Bill=HB1848

Relating to prevention of communicable diseases in certain long-term care facilities:

https://capitol.texas.gov/BillLookup/Actions.aspx?LegSess=86R&Bill=HB1360



SB 384 is Law 09/01/19 ... (Texas HAI/PAE Reporting)

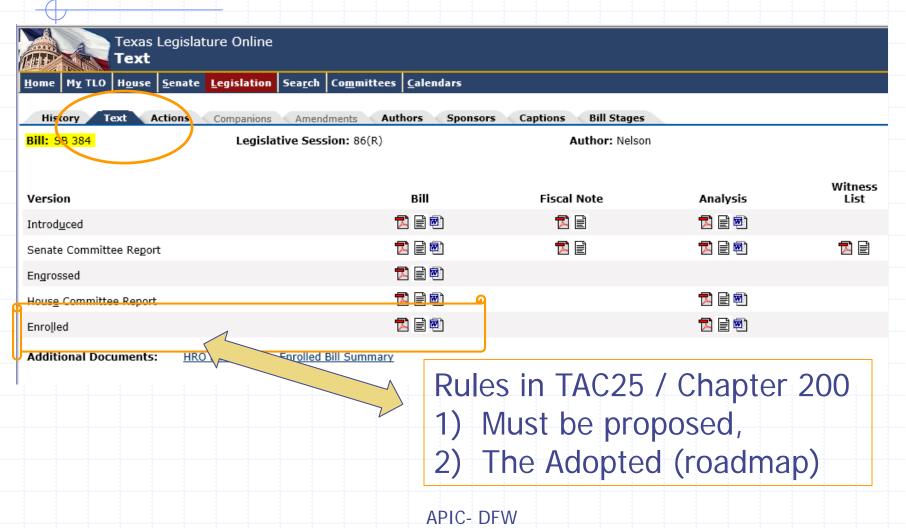


Actions: (descending date order)

Viewing Votes: Most Recent House Vote | Most Recent Senate Vote

	Description	Comment	<u>Date</u> ▼	Time	Journal Page
Е	Effective on 9/1/19		06/07/2019		
Е	Signed by the Governor		06/07/2019		3977
Е	Sent to the Governor		05/25/2019		3877
Н	Signed in the House		05/25/2019		6142
S	Signed in the Senate		05/24/2019		3208
S	Reported enrolled		05/22/2019		3196
S	House passage reported		05/22/2019		2566
Н	Record vote	RV#1638	05/22/2019		4546
Н	<u>Passed</u>		05/22/2019		4546
Н	Read 3rd time		05/22/2019		4545
Н	Passed to 3rd reading		05/21/2019		4328
Н	Read 2nd time		05/21/2019		4328
Н	Placed on General State Calendar		05/21/2019		

What does SB 384 Say?



10.18.19

Why <u>Rules</u> in TAC25 for Chapter 200 in **Texas Register**?

- Because SB 384 passed into Law
- And this <u>will</u> become a Statute (law) in the Texas Health & Safety Code:

I'll be checking the
Texas Register index
each Friday for TAC25

/ Chapter 200

proposed rules ... and
telling Jasmine ©

S.B. No. 384

AN ACT

g of health care-associated infections and s at health care facilities.

LEGISLATURE OF THE STATE OF TEXAS:

n 98.103, Health and Safety Code, is ction (a) and adding Subsection (a-1) to

facility[, other than a pediatric and

.ospital, shall report to the department each health

- 10 care-associated infection [the incidence of surgical site
- 11 infections], including the causative pathogen if the infection is

Summary

- You know Difference in Terms
 - Bill
 - Law
 - Statue
 - Health & Safety Code
 - Rule
 - Texas Register
 - Texas Administrative Code



Summary: Call To Action Skills

- Describe the sequencing of these terms
- Demonstrate how to access information related to these terms
 - Given Specific URL's for the internet
 - Know where to locate IP&C common items
 - Will have the deadline for public comment
- "Road Map" for providing Testimony in Texas
- APIC's VIP Action Center

Q & A SESSION



Patti Grant, RN, BSN, MS, CIC, FAPIC Methodist Hospital for Surgery pgrant@methodistsurg.com