

CHAPTER 41

H.B. No. 343

AN ACT

relating to the reporting of certain injuries to the Department of Public Health.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 87 to read as follows:

CHAPTER 87. INJURY PREVENTION AND CONTROL

Sec. 87.001. **DEFINITIONS.** *In this chapter:*

(1) "Injury" means damage to the body that results from intentional or unintentional acute exposure to thermal, mechanical, electrical, or chemical energy or from the absence of essentials such as heat or oxygen.

(2) "Reportable injury" means an injury or condition required to be reported under this chapter.

Sec. 87.002. **REPORTABLE INJURY; RULES.** (a) Spinal cord injuries and submersion injuries are reportable to the department. The board by rule shall define those terms for reporting purposes.

(b) The board may adopt rules that require other injuries to be reported under this chapter.

(c) The board shall maintain and revise, as necessary, the list of reportable injuries.

(d) The board shall adopt rules necessary to administer this chapter.

Sec. 87.003. **REPORTING REQUIREMENTS.** (a) The following persons shall report cases or suspected cases of reportable injuries to the department:

(1) a physician who diagnoses or treats a reportable injury; and

(2) a medical examiner or justice of the peace.

(b) The department may contact a physician attending a person with a case or suspected case of a reportable injury.

(c) The board shall prescribe the form and method of reporting. The board may require the reports to contain any information necessary to achieve the purposes of this chapter, including the person's name, address, age, sex, race, occupation, employer, and attending physician.

Sec. 87.004. **POWERS AND DUTIES OF DEPARTMENT.** (a) The department may enter into contracts or agreements as necessary to carry out this chapter. The contracts or agreements may provide for payment by the state for materials, equipment, and services.

(b) The department may seek, receive, and spend any funds received through appropriations, grants, donations, or contributions from public or private sources for the purpose of identifying, reporting, or preventing those injuries that have been determined by the board to be harmful or to be a threat to the public health.

(c) Subject to the confidentiality provisions of this chapter, the department shall evaluate the reports of injuries to establish the nature and magnitude of the hazards associated with those injuries, to reduce the occurrence of those risks, and to establish any trends involved.

(d) The department may make inspections and investigations as authorized by this chapter and other law.

Sec. 87.005. ACCESS TO INFORMATION. Subject to the confidentiality provisions of this chapter, the department may collect, or cause to be collected, medical, demographic, or epidemiologic information from any medical or laboratory record or file to help the department in the epidemiologic investigation of injuries and their causes.

Sec. 87.006. CONFIDENTIALITY. (a) All information and records relating to injuries are confidential, including information from injury investigations. That information may not be released or made public on subpoena or otherwise, except that release may be made:

- (1) for statistical purposes, but only if a person is not identified;*
- (2) with the consent of each person identified in the information released; or*
- (3) to medical personnel in a medical emergency to the extent necessary to protect the health or life of the named person.*

(b) The board shall adopt rules establishing procedures to ensure that all information and records maintained by the department under this chapter are kept confidential and protected from release to unauthorized persons.

(c) The director, the director's designee, or an employee of the department may not be examined in a judicial or other proceeding about the existence or contents of pertinent records of, investigation reports of, or reports or information about a person examined or treated for an injury without that person's consent.

Sec. 87.007. INVESTIGATIONS. (a) The department shall investigate the causes of injuries and methods of prevention.

(b) The director or the director's designee may enter at reasonable times and inspect within reasonable limits a public place or building, including a public conveyance, in the director's duty to prevent an injury.

(c) The director or the director's designee may not enter a private residence to conduct an investigation about the causes of injuries without first receiving permission from a lawful adult occupant of the residence.

Sec. 87.008. TECHNICAL ADVISORY COMMITTEE ON INJURY REPORTING. (a) The board shall appoint a technical advisory committee to advise the board of injuries other than spinal cord injuries and submersion injuries that should be required by rule to be reported under this chapter.

(b) The technical advisory committee is composed of:

(1) three doctors of medicine or doctors of osteopathic medicine licensed to practice in this state; and

(2) three hospital representatives, one of whom must be a public hospital representative.

(c) A technical advisory committee member serves at the pleasure of the board.

(d) A vacancy on the technical advisory committee is filled by the board in the same manner as other appointments to the advisory committee.

(e) A member of the technical advisory committee is not entitled to reimbursement for expenses incurred in performing duties under this chapter.

(f) The technical advisory committee may elect a chairman, vice-chairman, and secretary from among its members and may adopt rules to conduct its activities.

(g) The technical advisory committee is entitled to review and comment on the board's rules under Section 87.002(b) before the rules are proposed.

Sec. 87.009. COORDINATION WITH TEXAS WORKERS' COMPENSATION COMMISSION. The department and the Texas Workers' Compensation Commission shall enter into a memorandum of understanding which shall include the following:

(1) the department and commission shall exchange relevant injury data on an ongoing basis notwithstanding Section 87.006 of this chapter;

(2) confidentiality of injury data provided to the department by the commission is governed by the Texas Workers' Compensation Act (Article 8308-1.01 et seq., Vernon's Texas Civil Statutes);

(3) confidentiality of injury data provided to the commission by the department is governed by Section 87.006 of this chapter; and

(4) cooperation in conducting investigations of work-related injuries.

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 4, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 343 on April 13, 1993, by a non-record vote; passed by the Senate, with amendments, on April 6, 1993, by a viva-voce vote.

Approved April 22, 1993.

Effective Sept. 1, 1993.