

CHAPTER 670

S.B. No. 773

AN ACT

relating to the creation, powers, duties, and funding of regional poison control centers; requiring an appropriation.

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

SECTION 1. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 777 to read as follows:

CHAPTER 777. REGIONAL POISON CONTROL CENTERS

Sec. 777.001. **REGIONAL POISON CONTROL CENTERS.** (a) Six regional centers for poison control are designated as the regional poison control centers for the state as follows:

- (1) The University of Texas Medical Branch at Galveston;
- (2) the Dallas County Hospital District/North Texas Poison Center;
- (3) The University of Texas Health Science Center at San Antonio;
- (4) R. E. Thomason General Hospital, El Paso County Hospital District;
- (5) Northwest Texas Hospital, Amarillo Hospital District; and
- (6) Scott and White Memorial Hospital, Temple, Texas.

(b) The poison control centers shall coordinate poison control activities within the designated health and human services regions for the state. The Texas Department of Health and the Advisory Commission on State Emergency Communications shall jointly adopt rules designating the region for each poison control center.

(c) The Texas Board of Health may vote to designate a seventh regional or satellite poison control center in Harris County. That poison control center is subject to all provisions of this chapter and other law relating to regional poison control centers.

Sec. 777.002. **TELEPHONE SERVICES.** (a) A poison control center established by this chapter shall provide a 24-hour toll-free telephone referral and information service for the public and health care professionals according to the requirements of the American Association of Poison Control Centers.

(b) Each public safety answering point, as that term is defined by Section 771.001, shall have direct telephone access to at least one poison control center. Regional poison information services may be available directly from the center but shall be available through all 9-1-1 services in the region, as the term "9-1-1 service" is defined by Section 771.001. The 9-1-1 service calls pertaining to poisonings may be routed to a central poison control answering site within the region, if possible, if the routing does not adversely affect the immediate availability of poisoning management services.

(c) A poison control center shall ensure that poison control activities within the designated region meet the criteria established by the American Association of Poison Control Centers. A center may meet the criteria directly or may affiliate with other poison treatment facilities within the region if possible. A center shall ensure that treatment facilities and services are available within the region and shall identify and make available to the public and to appropriate health professionals information concerning analytical toxicology, emergency and critical care, and extracorporeal capabilities within the region.

Sec. 777.003. **COMMUNITY PROGRAMS AND ASSISTANCE.** A poison control center shall provide:

(1) community education programs on poison prevention methods to inform the public, such as presentations to persons attending a primary or secondary school, a parent-teacher association meeting, an employee safety meeting at an industrial company, or other interested groups;

(2) information and education to health professionals involved in the management of poison and overdose victims, including information regarding appropriate therapeutic use of medications, their compatibility and stability, and adverse drug reactions and interactions;

(3) professional and technical assistance to state agencies requesting toxicologic assistance; and

(4) consultation services concerning medical toxicology, for which a fee may be charged in an amount set by the institution in which the center is located to cover the costs of the service.

Sec. 777.004. STAFF. (a) A poison control center established under this chapter shall use physicians, pharmacists, nurses, other professionals, and support personnel trained in various aspects of toxicology and poison control and prevention.

(b) A poison control center shall make available resources, if possible, to accommodate persons who do not speak English.

Sec. 777.005. RESEARCH PROGRAMS. (a) A poison control center may conduct a toxicology poison treatment research program to improve treatments for poisoning victims and to reduce the severity of injuries from poisonings.

(b) A poison control center may accept grants or contributions from public or private sources to be used for research.

Sec. 777.006. INFORMATION AT BIRTH. The Texas Department of Health shall assist the regional poison control centers in providing informational packets on poison prevention to parents of newborns.

Sec. 777.007. STATE LIABILITY. The state shall indemnify a poison control center and an employee of a poison control center under Chapter 104, Civil Practice and Remedies Code.

Sec. 777.008. COORDINATING COMMITTEE. (a) The coordinating committee on poison control shall advise the Texas Board of Health and the Advisory Commission on State Emergency Communications.

(b) The committee is composed of one public member appointed by the Texas Board of Health, one public member appointed by the Advisory Commission on State Emergency Communications, and 13 members appointed by the chief executive officer of each of the following entities:

- (1) The University of Texas Medical Branch at Galveston;*
- (2) the Dallas County Hospital District/North Texas Poison Center;*
- (3) The University of Texas Health Science Center at San Antonio;*
- (4) R. E. Thomason General Hospital, El Paso County Hospital District;*
- (5) Northwest Texas Hospital, Amarillo Hospital District;*
- (6) Scott and White Memorial Hospital, Temple, Texas;*
- (7) The University of Texas Southwestern Medical Center at Dallas;*
- (8) The Texas A&M University Health Science Center;*
- (9) the Texas Tech University Health Sciences Center;*
- (10) the Texas Veterinary Medical Diagnostic Laboratory;*
- (11) the Department of Agriculture;*
- (12) the Texas Department of Health; and*
- (13) the Advisory Commission on State Emergency Communications.*

Sec. 777.009. FUNDING. (a) The Texas Department of Health and the Advisory Commission on State Emergency Communications shall establish a program to award grants to fund the regional poison control centers.

(b) The Texas Board of Health and the Advisory Commission on State Emergency Communications shall jointly adopt rules to establish criteria for awarding the grants. The rules must require the agencies to consider:

- (1) the need of the region based on population served for poison control services and the extent to which the grant would meet the identified need;*
- (2) the assurance of providing quality services;*
- (3) the availability of other funding sources;*
- (4) achieving or maintaining certification as a poison control center with the American Association of Poison Control Centers;*
- (5) maintenance of effort; and*
- (6) the development or existence of telecommunications systems.*

(c) *The Texas Department of Health and the Advisory Commission on State Emergency Communications may approve grants according to their jointly adopted rules. A grant awarded under this section is governed by Chapter 783, Government Code, and the rules adopted under that chapter.*

(d) *The Texas Department of Health and the Advisory Commission on State Emergency Communications may accept gifts or grants from any source for purposes of this chapter.*

SECTION 2. Subsection (a), Section 771.058, Health and Safety Code, is amended to read as follows:

(a) In a county with a population of 120,000 or less, the county or another public agency, other than the state, located in the county is not required to participate in the regional plan applicable to the regional planning commission in which it is located, and the fee [~~or surcharge~~] imposed under this chapter may not be charged to a customer in the county or territory of the public agency other than the county, unless the county or other public agency chooses to participate in the plan by resolution of its governing body.

SECTION 3. Section 771.072, Health and Safety Code, is amended to read as follows:

Sec. 771.072. EQUALIZATION SURCHARGE. (a) In addition to the fee imposed under Section 771.071, the advisory commission *shall* [~~may~~] impose a 9-1-1 equalization surcharge on each customer receiving intrastate long-distance service, including customers in an area served by an emergency communication district, even if the district is not participating in the regional plan.

(b) The amount of the surcharge may not exceed *1-3/10* [~~one-half~~] of one percent of the charges for intrastate long-distance service, as defined by the commission.

(c) An intrastate long-distance service provider shall collect the surcharge imposed on its customers under this section and shall deliver the surcharges to the advisory commission not later than the 60th day after the last day of the month in which the surcharges are collected.

(d) *From the revenue received from the surcharge imposed under this section, the amount derived from the application of the surcharge at a rate of not more than .5 percent shall be allocated* [~~The advisory commission periodically shall allocate the surcharges~~] to [~~each~~] regional planning commissions [~~commission~~] or other public agencies [~~agency~~] designated by the regional planning commissions [~~commission~~] for use in carrying out the regional plans provided for by this chapter. The allocations to the regional planning commissions are not required to be equal, but should be made to carry out the policy of this chapter to implement 9-1-1 service statewide. Money collected under this section may be allocated to an emergency communication district regardless of whether the district is participating in the applicable regional plan.

(e) *From the revenue received from the surcharge imposed by this section, the amount derived from the application of the surcharge at a rate of not more than .8 percent shall be periodically allocated to the Texas Department of Health to fund grants awarded under Section 777.009.*

(f) The advisory commission shall *deposit* [~~manage~~] the surcharges and any prior balances in an account in the general revenue fund in [~~outside~~] the state treasury until they are allocated to regional planning commissions and poison control centers in accordance with this section. *From that account,* [~~The advisory commission may retain from the surcharges~~] the amount necessary for the commission to fund approved plans of regional planning commissions and regional poison control centers and to carry out its duties under this chapter shall be appropriated to the commission.

SECTION 4. Section 771.075, Health and Safety Code, is amended to read as follows:

Sec. 771.075. USE OF REVENUE. Except as provided by Section 771.072(e), 771.072(f), or 771.073(d), fees and surcharges collected under this subchapter may be used only for planning, development, and provision of 9-1-1 service as approved by the advisory commission.

SECTION 5. Subchapter F, Chapter 773, Health and Safety Code, is repealed.

SECTION 6. (a) Before January 1, 1994, the Advisory Commission on State Emergency Communications shall set the amount of the surcharge designated for implementation of Chapter 777, Health and Safety Code, as added by this Act.

(b) Before March 1, 1994, the Texas Department of Health and the Advisory Commission on State Emergency Communications shall adopt the criteria for awarding grants under Chapter 777, Health and Safety Code, as added by this Act.

(c) Before September 1, 1994, the Texas Department of Health shall award grants as provided under Chapter 777, Health and Safety Code, as added by this Act.

SECTION 7. This Act takes effect September 1, 1993.

SECTION 8. 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 the Senate on May 11, 1993, by a viva-voce vote; the Senate concurred in House amendments on May 27, 1993, by a viva-voce vote; passed the House, with amendments, on May 25, 1993, by a non-record vote.

Approved June 15, 1993.

Effective Sept. 1, 1993.