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February 16, 2015

The Honorable Charles Schwertner
Texas Senate
P.O. Box 12068 – Capitol Station
Austin, Texas 78711

Dear Senator Schwertner:

The Texas Association of City & County Health Officials (TACCHO) is the member organization of Texas local public health officials and includes representation from both small, rural to large, urban jurisdictions and aims to enhance local public health across Texas with the ultimate goal of improving the health of Texans and the communities in which they live.

TACCHO recognizes that the legislature seeks to improve the preparedness and response to infectious disease events within the state and is pleased to have the opportunity to provide comment, from a local practice and control perspective, on SB 538. It should be noted that existing Sec. 418.011 and Sec. 418.014 may already allow for state responsibilities to respond to disasters that are infectious disease in nature through the Governor and may be helpful in drafting proposed language.

TACCHO strongly supports the current practice of local control and Local Health Authority management of public health outbreaks in its communities. Local public health knows and understands the community within its jurisdiction and works collaboratively with the healthcare sector, community businesses and other critical organizations to further public health planning and response activities both effectively and efficiently. It is important to remember that local public health also works closely within the current incident command structures in place and in close coordination with local elected officials, local emergency management, and other partners.

With this perspective in mind, the following concerns and recommendations on SB 538 represent important concerns presented by TACCHO members that the Legislature should consider:

- 1) Section 1. Chapter 418 of the Government Code is to be amended to add Subchapter B-1. STATE OF INFECTIOUS DISEASE EMERGENCY, and include Sec. 418.032. EFFECT OF DECLARATION which gives the Commissioner of State Health Services the authority over all state and local public health policy, decisions, procedures and disease control measures necessary to contain the infectious disease emergency. The concern is that this usurps the local control which is vital and needed in times of emergency. Local Authorities bear a large part of responsibility precisely because

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they are closest to an emergency event as it unfolds and therefore are first to respond before substantial state (or even federal) resources are available.

TACCHO Recommendation: Delete this clause; or alternatively, include wording that the Commissioner stands ready to work with Local Health Authorities (as below) in all such emergencies.

"Health and Safety Code Chapter 121, Subchapter B. HEALTH AUTHORITIES, Section 121.021, A health authority is a physician appointed under the provisions of this chapter to administer state and local laws, relating to public health within the appointing body's jurisdiction, and Chapter 81, Subchapter E, Control, Sec. 81.082 ADMINISTRATION OF CONTROL MEASURES. (a) A health authority has supervisory authority and control over the administration of communicable disease control measures in the health authority's jurisdiction unless specifically preempted by the department. Control measures imposed by a health authority must be consistent with, and at least as stringent as, the control measure standards in rules adopted by the board." OR

Amend the section by adopting the proposed language "Sec. 418.032. Effect of Declaration which gives the state commissioner of health, and the local health authority for the jurisdiction, authority over their respective state and local public health policy, decisions, procedures and disease control measures necessary to contain the infectious disease emergency."

2) Section 2. Chapter 81.008 of the Health and Safety Code is amended to add the following Sections:

- a. Sec. 81.008. Communicable Disease in Animals which allows local health authorities to test animals suspected of being infected or exposed to an infectious disease, however it does not state what entity will pay for the costs associated with testing.

TACCHO Recommendation: Include language that notes the State of Texas will be responsible for all costs associated with testing.

3) Section 2. Chapter 81.046 of the Health and Safety Code is amended to add the following Sections:

- a. Sec. 81.046 (f-1). The department may release to first responders the name and basic contact information of a person if (1) and (2).

TACCHO Recommendation: Include language that notes the Commissioners shall work with the local health authority in releasing this information, as necessary, and as allowed by health-related confidentiality.

4) Section 6. Subchapter E. Chapter 81 of the Health and Safety Code is amended to add the following Sections:

- a. Sec. 81.0891. Emergency Detention of Individual Subjected to Control Order allows a peace officer to place into custody a person believed to be under a written control order, however it does not state what entity will pay for the costs associated with the detention.

TACCHO Recommendation: Include language that notes the State of Texas will be responsible for all costs associated with detainment.

- 5) Section 16. Amends Chapter 81 of the Health and Safety Code by adding Subchapter J. Task Force on Infectious Disease Preparedness and Response and Sec. 81. 404 Appointment of Members; Terms which describes membership to include persons from state agencies, experts in infectious diseases and the prevention of the spread of infectious diseases and members from institutions of higher education. The original Task Force on Infectious Disease did not include Local Health Department or Local Health Authority representation and thus these important perspectives were not adequately considered during the development of their recommendations.

TACCHO Recommendation: Include wording that representation be from state agencies and local health departments and that more than one Local Health Department or Local Health Authority representative be appointed to the Task Force.

- 6) Fiscal Implications on Local Entities – it is not clear who is responsible for costs associated with enacting the requirements of the bill.

TACCHO Recommendation – Include specific language that identifies the State of Texas as the payor of costs associated with this statute.

In summary, Local Health Department Directors and their Local Health Authorities provide a unique and critical vantage point for emergency response activities in Texas. TACCHO and its members stand ready to work alongside state officials in making Texas prepared and ready to protect and serve the public.

Thank you for the opportunity to provide input.

Sincerely,

George T. Roberts, Jr. FACHE
Vice-President, Texas Association of City & County Health Officials (TACCHO)
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