



**House Committee on  
Public Health, March  
10<sup>th</sup>, 2021**



**Committee Make-Up:** [here](#).

**Committee Meeting Handouts:** [here](#).

**Rep. Klick, Chair,** stated that her intent is to hold bills at least a week before passing to the full house.

**The Committee on Public Health met to consider the following:**

[HB 119](#) - Landgraf

Relating to prohibiting organ transplant recipient discrimination on the basis of certain disabilities.

[HB 473](#) - White

Relating to prohibiting organ transplant recipient discrimination on the basis of certain disabilities.

[HB 652](#) - Paul

Relating to notice of an epizootic infectious disease occurring in an animal shelter.

[HB 727](#) - Lucio III

Relating to the establishment of a border public health initiative by the Department of State Health Services.

[HB 728](#) - Lucio III

Relating to public health laboratory testing capabilities in certain counties.

[HB 729](#) - Lucio III

Relating to the establishment of a border public health response team.

[HB 780](#) - Oliverson

Relating to the establishment of a bone marrow donor recruitment program.

[HB 784](#) - Guerra

Relating to a local agreement with the Department of State Health Services to improve laboratory capabilities in border counties.

[HB 797](#) - Howard

Relating to allowing home and hospice agencies to administer certain vaccines.

**[HB 119](#) Relating to prohibiting organ transplant recipient discrimination on the basis of certain disabilities.** The bill would add additional definitions to the Health and Safety Code and would prohibit a health care provider from determining an individual as ineligible for medical services related to an organ transplant on the basis of a disability. The bill would allow disciplinary action by the regulatory agency that issued a license, certificate, or other authority to a health care provider who commits the violation.

The Health and Human Services Commission and the Texas Medical Board have indicated any costs related to rulemaking and possible increases in complaints and investigations would be minimal and can be absorbed within available resources.

**Representative Landgraf explained the bill.** He stated that a constituent was denied a transplant because of his disability and that was the impetus of the bill. Representative White had filed a similar bill and they are now working together on this effort. He is not laying out a committee substitute, but one will be forthcoming.

**The LBB fiscal note** stated that no significant fiscal implication to the State is anticipated.

### **Public Testimony**

**Kathline Kerwin Haney, Self,** stated that she is testifying for the bill and described the experience of her brother and denial of kidney transplantation.

**The Bill was left pending.**

**HB 473 Relating to prohibiting organ transplant recipient discrimination on the basis of certain disabilities.**

The bill would add additional definitions to the Health and Safety Code and would prohibit a health care provider from determining an individual as ineligible for medical services related to an organ transplant on the basis of a disability. The bill would allow disciplinary action by the regulatory agency that issued a license, certificate, or other authority to a health care provider who commits the violation.

The Health and Human Services Commission and the Texas Medical Board have indicated any costs related to rulemaking and possible increases in complaints and investigations would be minimal and can be absorbed within available resources.

**Representative White explained the bill.**

**The LBB fiscal note** stated that no significant fiscal implication to the State is anticipated.

**HB 652 Relating to notice of an epizootic infectious disease occurring in an animal shelter.** The bill would amend the Health and Safety Code to require certain notices of epizootic infectious disease occurring in an animal shelter.

According to the Department of State Health Services (DSHS), because the diseases of concern (e.g. parvovirus, canine distemper, and feline rhinotracheitis) are not transmissible to humans the bill would have no impact on the agency.

**Representative Paul explained the bill.** The bill passed the House last session but died on the Senate floor. He explained his personal experience adopting his dog with distemper from

a pound. The bill simply requires notification. There is a committee substitute that specifies diseases. The bill is called "Gracie's Bill".

**The LBB fiscal note** stated that no significant fiscal implication to the State is anticipated.

### **Public Testimony**

**Tammy Embry, City of Corpus Christi**, registered against the bill. There are unintended consequences and mandates in the bill. They are willing to work with the author on a substitute. To test every animal would cost \$80 per animal. The bill does not require testing but opens the door for a need to test. The bill could impact live release rates.

**Representative Price** pointed out that if the Corpus Christi Center was taking care of patients as they say they are, then there would not be any additional cost to the City of Corpus Christi.

**The Bill was left pending.**

**HB 727 Relating to the establishment of a border public health initiative by the Department of State Health Services.** The bill would amend the Health and Safety Code to add Chapter 65 to require the Department of State Health Services (DSHS) to develop a border public health initiative to reduce the adversarial impacts of diabetes, hypertension, and obesity in border counties.

The bill would require DSHS to implement the initiative by conducting bilingual, culturally appropriate outreach campaigns.

The bill would require DSHS to submit a report describing health outcomes and savings related to the initiative by January 1, 2025.

**Representative Lucio explained the bill.** He stated that this is the House companion to the Senate bill which establishes a border health initiative addressing hypertension and diabetes in the border region. Educational resources, screening, and referral would be provided to this area under the bill. He stated that there is a fiscal note and funding is being sought to advance these programs.

**Representative Price** inquired about the relationship with the Healthy South Texas initiative. Representative Lucio stated he hopes this bill will work in tandem with that effort and that he does not want redundancy. A similar question was asked about a Texas A&M effort, and again the Representative stated he does not want redundancy.

**The LBB fiscal note** stated the following:

*The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill. The Department of State Health Services is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.*

*This analysis assumes that DSHS would contract with the local health department or other organizations in four selected border counties to implement the initiative to reduce the adverse health impacts of diabetes, hypertension, and obesity at a cost of \$500,000 each fiscal year.*

*This analysis assumes an additional \$80,000 per year would be required to implement outreach campaigns through the contracts with the four counties.*

*This analysis assumes the cost to implement the provisions of the bill would be \$580,000 in each fiscal year.*

**There was no public Testimony.**

**The Bill was left pending.**

**HB 728 Relating to public health laboratory testing capabilities in certain counties.**

The bill would amend the Health and Safety Code to require the Department of State Health Services (DSHS) to prepare and submit a report to the legislature on public laboratories in counties that are adjacent to an international border by September 1, 2022. The bill would require DSHS to collaborate with local health departments and public and private laboratories to collect information and develop recommendations for the report.

The bill would require DSHS, using available resources as determined by DSHS, to enter into local agreements with institutions of higher education and public and private testing laboratories to increase the availability of public health laboratory services for local health departments.

The bill would require DSHS, using available resources as determined by DSHS, to provide year-round laboratory support access for vector-borne and zoonotic diseases in certain border counties that are most at risk for year-round outbreaks.

**Representative Lucio explained the bill.** He stated that the bill expands antibody testing in the Rio Grande Valley. DSHS would coordinate with the private sector and advance education facilities to address virus outbreaks through lab testing. It would also inspect fish products and beef products.

**The Chair** inquired if DSHS had the equipment to do the testing. Representative Lucio stated that there were six tests that would be conducted under the bill.

**The LBB Fiscal Note** stated the following:

*The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill. The Department of State Health Services is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.*

*DSHS assumes they would use existing staff and collaborations with local health departments to gather information required for the report.*

*The analysis assumes that DSHS would provide funding for local agreements with institutions of higher education and public and private testing laboratories to increase the availability of public health laboratory services for local health departments. According to the University of Texas System, the University of Texas Rio Grande Valley School of Medicine (UTRGV SOM) would need to set up a fully functional vector-borne laboratory for non-human samples through an agreement with DSHS. This would require 7.3 additional full-time equivalents (FTEs) including five new staff positions, two new student positions, and summer salary for one faculty member, and additional funding for travel and equipment.*

*The analysis assumes that DSHS would support access to year-round laboratory testing for vector-borne and zoonotic diseases through the local agreement with UTRGV.*

*The estimated total to comply with the provisions of the bill would be \$529,115 in fiscal year 2022; \$350,028 in fiscal year 2023; \$359,209 in fiscal year 2024; \$368,666 in fiscal year 2025; and \$378,406 in fiscal year 2026.*

**No public testimony was presented.**

**The Bill was left pending.**

**HB 729 Relating to the establishment of a border public health response team.**

The bill would amend the Health and Safety Code to require the Department of State Health Services (DSHS) to establish a border public health response team to deploy in response to public health threats declared by the commissioner of DSHS and disasters declared in counties adjacent to the international border with Mexico by December 1, 2021.

The bill would require DSHS to consult with other state agencies to develop policies, plans,

and procedures to facilitate an effective response. The bill would also require DSHS to provide training, equipment, and support staff to the response team.

The bill would require DSHS to coordinate with appropriate state and federal entities for funding to support the response team's activities. The bill would also allow DSHS to accept gifts, grants, and donations to carry out the purposes of the response team.

According to DSHS, the provisions of the bill could be implemented using existing resources.

**Representative Lucio explained the bill.** The bill would provide a taskforce for addressing natural disasters in the Valley Regions. There is a committee substitute that would add a member from a local hospital from the border community to the taskforce.

**The LBB fiscal note** stated that no significant fiscal implication to the State is anticipated

**There was no public testimony provided.**

**The Bill was left pending.**

**HB 780 Relating to the establishment of a bone marrow donor recruitment program.**

The bill would amend the Health and Safety Code to require the Health and Human Services Commission (HHSC) to establish a bone marrow donor recruitment program to educate residents. HHSC would be required to develop written or printable informational materials on bone marrow donation and registration with a national bone marrow donor registry that appropriate health care facilities, blood banks, and driver's license offices place in their facilities, banks, or offices to provide to residents. HHSC would be required to post the informational materials on HHSC's Internet website and develop press, radio, and television materials to spread awareness of the bone marrow donor recruitment program.

In conjunction with the Department of Motor Vehicles (DMV), HHSC would be required to submit to the appropriate standing committees of the legislature a report regarding the bone marrow donor recruitment program established that includes an evaluation on the effectiveness of the recruitment program and the number of individuals from this state who have registered with a national bone marrow donor registry as a result of the program. This section requiring this report would expire on September 1, 2023.

The bill would also amend the Transportation Code to require the DMV to make available to each person applying for an original or renewal driver's license written or printable informational materials regarding bone marrow donation and registration with a national bone marrow donor registry. The bill would also require the DMV to place signage in each driver's license office notifying applicants of the availability of the written or printable informational materials on bone marrow donation and registration with a national bone marrow donor

registry. The DMV would be required to use written or printable informational materials developed by HHSC.

**Representative Oliverson explained the bill.** The bill establishes a bone marrow donor awareness program. This would simplify the process for bone marrow donation and provide public awareness. There is a fiscal note related to the cost of materials. However, there is a national program that can fill that gap so it should make the fiscal note disappear. There are disparities among different ethnic groups in the state on finding a bone marrow match. This bill would address parity in the donation program.

**The LBB Fiscal Note** stated the following:

*Estimated Two-year Net Impact to General Revenue Related Funds for HB780, As Introduced: a negative impact of (\$2,882,852) through the biennium ending August 31, 2023.*

*Under the provisions of the bill, HHSC would be required to establish a bone marrow donor recruitment program to educate residents. According to HHSC, this would require two Program Specialist V full-time equivalents (FTEs) to develop materials, coordinate with IT, web services and communications, manage the awareness campaign and associated contract, gather data from the registry needed for the evaluation and to develop the report. Additionally, one Financial Analyst II FTE would be needed to offer financial support to the program. The total cost for hiring 3.0 FTEs is estimated to be \$280,648 in fiscal year (FY) 2022; \$280,936 in FY 2023; \$281,464 in FY 2024; \$282,007 in FY 2025; and \$282,568 in FY 2026.*

*According to HHSC, a professional services contract for a marketing vendor would be required to develop press, radio and television materials to spread awareness for the program. The total cost for a marketing vendor is estimated to be \$1,000,000 for each fiscal year through fiscal year 2026.*

*According to HHSC, the costs associated with printing and shipping educational materials to driver's license offices would be \$45,000 for each fiscal year through fiscal year 2026.*

*It is assumed any cost to the Department of Public Safety's Driver License Division to implement provisions of the bill would be minimal and can be absorbed within available resources.*

## **Public Testimony**

**Yusef Kahn, Self,** stated his support for the bill. He described his family's experience. He stated that a bill similar to this one was passed with success in Washington State.

**The Bill was left pending.**



**HB 784 Relating to a local agreement with the Department of State Health Services to improve laboratory capabilities in border counties.** The bill would amend the Health and Safety Code to require the Department of State Health Services (DSHS) to enter into an agreement with an institution of higher education to increase the availability of laboratory services in border counties.

The bill would take effect September 1, 2021.

**Representative Guerra explained the bill.** The Vice Chair stated that he was on the border taskforce which addressed gaps in services in the region. He stated this bill is the result of recommendations by the taskforce to enhance laboratory capability in the region. The capability would address mosquito-borne disease and illness.

**The LBB Fiscal Note** stated the following:

*Estimated Two-year Net Impact to General Revenue Related Funds for HB784, As Introduced: a negative impact of (\$500,000) through the biennium ending August 31, 2023.*

*The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.*

**There was no public testimony.**

**The bill was left pending.**

**HB 797 Relating to allowing home and hospice agencies to administer certain vaccines.** The bill would amend the Health and Safety Code to require the Department of State Health Services (DSHS) to enter into an agreement with an institution of higher education to increase the availability of laboratory services in border counties.

The bill would take effect September 1, 2021.

**Representative Howard explained the bill.** She stated that the end of the pandemic is in sight. Access to the vaccines is the point of this bill. There is a statutory barrier to home care & hospice to administer the vaccine. This puts patients dependent on this care in jeopardy. Waivers are not available because of the statute. This provides narrow authority to HCSSAs to administer vaccines.

**Representative Price** expressed his support for the bill.

**The Chair** expressed her support as well.

**The LBB Fiscal Note stated the following.**

*Estimated Two-year Net Impact to General Revenue Related Funds for HB784, As Introduced: a negative impact of (\$500,000) through the biennium ending August 31, 2023.*

*The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.*

*The analysis assumes that DSHS would contract with the University of Texas Rio Grande Valley to provide arboviral testing of mosquitoes and clinical testing for SARS-CoV-2 at a cost of \$250,000 per year.*

*Currently, there is a cooperative agreement between DSHS and the University of Texas Rio Grande Valley (UTRGV) to provide surveillance and screening mosquito-borne diseases located in the Lower Rio Grande Valley for local jurisdictions, health departments, and vector control agencies effective until May 2021. Funding for the agreement and related activities is currently provided through the Centers for Disease Control and Prevention (CDC) Centers of Excellence Vector Borne Diseases federal grant.*

*DSHS indicated that \$150,000 each fiscal year would be needed once the CDC grant expires in fiscal year 2021 to continue the mosquito surveillance activities currently provided. The agency indicated they would need an additional \$100,000 in each fiscal year for a contract to expand testing to other border counties not currently included in the cooperative agreement with UTRGV.*

**Public Testimony.**

**Rachael Hammon, Texas Association for Home Care & Hospice,** testified in support of the bill. She stated that it is a common-sense bill that corrects an outdated statute.

**Dave Davis, Accent Care,** testified in support of the bill. This has been a significant issue for seniors. He raised the issue of anaphylaxis. He stated that they receive almost all their care at home except vaccines.

**The Bill was left pending.**

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*This summary contains supplemental information from third-party sources where that information provides clarity to the issues being discussed. Not every comment or statement from the speakers in these summaries is an exact transcription. For the purpose of brevity, their statements are often paraphrased. These documents should not be viewed as a word-for-word account of every meeting or hearing, but a summary. Every effort has been made to ensure the accuracy of these summaries. The information contained in this publication is the property of Texas Insight and is considered confidential and may contain proprietary information. It is meant solely for the intended recipient. Access to this published information by anyone else is unauthorized unless Texas Insight grants permission. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted in reliance on this is prohibited. The views expressed in this publication are, unless otherwise stated, those of the author and not those of Texas Insight or its management.*

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