

ELC Epidemiology Workshop
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Legal Considerations

in Infectious Disease Public Health



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Today

Control Orders (ch. 81)
Confidentiality (81.046)
Notifying first responders
(HB 2646)
Designated infection
control officer (SB 1574)

No sweat, I'm on Cruise Control

- ▶ Impose control measures to prevent spread of disease
- ▶ Health Authority has supervisory authority and control

No sweat, I'm on Cruise Control (cont'd)

- ▶ Anyone who examines or treats an individual who has a communicable disease may instruct
- ▶ Signed, sealed, & delivered

Uh Houston, We Have a Problem

- ▶ Does not comply with written orders of DSHS or HA
- ▶ Violation of control measure = criminal penalty
- ▶ What more can the HA do?

Take it to the Judge

At HA's request, application for court order must be submitted by

- ▶ Municipal attorney
- ▶ County attorney
- ▶ District attorney

Take it to the Judge

(cont'd)

Application can be filed in county where subject

- ▶ Resides
- ▶ Is found
- ▶ Receives court-ordered health services

An app for that

- ▶ Application must allege specific information
- ▶ Application must include Affidavit of Medical Evaluation

An app for that (cont'd)

- ▶ Health authority affirms and DSHS concurs that
 - ▶ Subject is infected or reasonably suspected of being infected **and**
 - ▶ Is likely to cause harm to self or if not examined, observed or treated, continue to endanger public health

Where can they go?

- ▶ Texas Center for Infectious Disease
- ▶ Outpatient
- ▶ Private facility
- ▶ Federal facility
- ▶ Other facilities as designated

Takeaways

- ▶ Court orders driven by HAs and their local attorneys
- ▶ Must establish that patient will not comply with measure
- ▶ DSHS attorneys will help facilitate process
- ▶ TCID not the only option

Confidentiality

Info relating to case or suspected case of disease is **confidential** and may be used only for purposes of Communicable Disease Prevention & Control Act

Confidentiality

- ▶ Stronger than HIPAA
- ▶ Includes **all** information
- ▶ Exceptions apply

Exceptions

- ▶ Statistics
- ▶ Consent
- ▶ Treating personnel
- ▶ Health agencies
- ▶ Health departments

Exceptions (cont'd)

- ▶ Courts
- ▶ Medical personnel in emergency
- ▶ First responders
- ▶ Designated infection control officer

How it works

1. Health dept. monitors patient
2. Health dept. gives address
3. Address entered into CAD
4. Monitoring ends & address removed

What it means

First responders will know the precautions they need to take when they respond to certain calls

Testing & Notifying

When patient exposes emergency worker to disease, patient may be tested without consent in certain cases

Testing & Notifying

Notifications of results now extend to emergency worker and to designated infection control officer

Designated Infection Control Officer

Entity using emergency workers must have **designated infection control officer** (and must inform HA and hospitals)

Designated Infection Control Officer

Trained as health care provider or has training in control of infectious & communicable diseases

Designated Infection Control Officer

- ▶ Liaison between exposed worker & hospital
- ▶ Investigate & evaluate
- ▶ Monitor treatment

What it means

Designated infection control officer can timely get lab results so first responder can take appropriate measures

Resources

Communicable Disease Prevention & Control Act

www.statutes.legis.state.tx.us/Docs/HS/htm/HS.81.htm

Communicable Disease Control forms

www.dshs.texas.gov/commprep/legal/CDCMManual.aspx

Department of State Health Services

www.dshs.texas.gov

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