

**Department of State Health Services  
Agenda Item for State Health Services Council  
April 12, 2007**

**Agenda Item Title:** Amend 25 TAC §99.1 General Provisions concerning the reporting and control of occupational conditions.

**Agenda Number: 5b**

**Recommended Council Action:**

For Discussion Only

For Discussion and Action by the Council

**Background:** The Environmental and Injury Epidemiology and Toxicology Branch uses the principles of epidemiology, toxicology, and surveillance to identify populations at risk and develop evidence-based actions to protect and promote the health of the people of Texas.

**Summary:** The rule concerns the reporting and control of occupational conditions. No substantive changes have been made to the rule. The proposed amendments update legacy agency names and organizational structure to reflect the post-consolidation operations of the Department of State Health Services and the Health and Human Services Commission.

The amendment complies with the mandatory four-year review of agency rules in Government Code, §2001.039.

**Summary of Stakeholder Input to Date (including advisory committees):** The stakeholder input will be obtained by posting in the *Texas Register* for a 30-day public comment period.

**Proposed Motion:** Motion to recommend HHSC approval for publication of rules contained in agenda item #6b.

**Agenda Item**

**Approved by:** \_\_\_\_\_  
Debra Stabeno, Assistant Commissioner, Prevention and Preparedness

**Presented by:** John F. Villanacci, Ph.D., NREMT-I **Title:** Manager

**Program/Division:** Environmental and Injury Epidemiology and Toxicology Branch

**Contact Name/Phone:** Evelyn Shewmaker **Extension:** 6116

**Date Submitted**

2/26/07

Title 25. HEALTH SERVICES  
Part 1. DEPARTMENT OF STATE HEALTH SERVICES  
Chapter 99. Occupational Diseases  
Amendment §99.1

Proposed Preamble

The Executive Commissioner of the Health and Human Services Commission on behalf of the Department of State Health Services (department) proposes an amendment to §99.1 concerning the reporting and control of occupational conditions.

BACKGROUND AND PURPOSE

The amended section as proposed is necessary to comply with Health and Safety Code, Chapter 84, which requires the department to adopt rules concerning the reporting and control of occupational conditions; Acts, 1989, 71st Legislature, Chapter 678.

Government Code, §2001.039, requires that each state agency review and consider for readoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001 (Administrative Procedure Act). Section 99.1 has been reviewed and the department has determined that reasons for adopting the section continue to exist because a rule on this subject is needed.

SECTION-BY-SECTION SUMMARY

The amendments to §99.1 update legacy agency names and organizational structure to reflect the post-consolidation operations of the department and the Health and Human Services Commission.

FISCAL NOTE

Casey S. Blass, Director, Disease Prevention and Intervention Section, has determined that for each year of the first five-year period that the section will be in effect, there will be no fiscal implications to the state or local governments as a result of enforcing or administering the section as proposed.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Mr. Blass has determined that there will be no effect on small businesses or micro-businesses or persons who are required to comply with the section as proposed because their business practices will not be altered. There is no anticipated negative impact on local employment.

PUBLIC BENEFIT

In addition, Mr. Blass also has determined that for each year of the first five years the section is in effect, the public will benefit from amendments of the section as proposed in that they update

agency names and reflect changes to organizational structure in order to eliminate possible confusion caused by outdated information in the rule.

## REGULATORY ANALYSIS

The department has determined that this proposal is not a “major environmental rule” as defined by Government Code, §2001.0225. “Major environmental rule” is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

## TAKINGS IMPACT ASSESSMENT

The department has determined that the proposed amendment does not restrict or limit an owner’s right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Government Code, §2007.043

## PUBLIC COMMENT

Comments on the proposal may be submitted to Susan L. Prosperie, Disease Prevention and Intervention Section, Division for Prevention and Preparedness, Department of State Health Services, 1100 West 49th Street, Austin, Texas 78756, 512/458-7269 or by email to [Susan.Prosprie@dshs.state.tx.us](mailto:Susan.Prosprie@dshs.state.tx.us). Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

## LEGAL CERTIFICATION

The Department of State Health Services, General Counsel, Cathy Campbell, certifies that the proposed rule has been reviewed by legal counsel and found to be within the state agencies' authority to adopt.

## STATUTORY AUTHORITY

The proposed section is authorized by Health and Safety Code, §84.003, which requires rules on the reporting of occupational conditions; and Government Code, §531.0055, and Health and Safety Code, §1001.075, which authorize the Executive Commissioner of the Health and Human Services Commission to adopt rules and policies necessary for the operation and provision of health and human services by the department and for the administration of Health and Safety Code, Chapter 1001. The review of the rule implements Government Code, §2001.039.

The proposed amendment affects the Health and Safety Code, Chapters 84 and 1001; and Government Code, Chapter 531.

Legend: (Proposed Amendment)

Single Underline = Proposed new language

**[Bold Print and Brackets]** = Current language proposed for deletion

Regular Print = Current language

(No change.) = No changes are being considered for the designated subdivision

§99.1. General Provisions.

(a) Purpose. This section implements the Texas Occupational Conditions Reporting Act, Health and Safety Code, Chapter 84, **[House Bill 2091, 69th Legislature, 1985,]** which authorizes the Executive Commissioner of the Health and Human Services Commission **[Texas Board of Health]** to adopt rules concerning the reporting and control of occupational conditions.

(b) Definitions. The following words and terms, when used in these sections, shall have the following meanings unless the context clearly indicates otherwise.

(1) - (2) (No change.)

(3) Department--The **[Texas]** Department of State Health Services, 1100 West 49th Street, Austin, Texas 78756.

(4) - (6) (No change.)

(7) Report of occupational condition--The notification to the appropriate authority of the occurrence of a specific occupational disease in a human, including all information required by the procedures established by this rule. **[the Board of Health]**.

(8) (No change.)

(c) Reporting requirements.

(1) - (3) (No change.)

(4) The local health authority shall collect the reports and transmit the information at weekly intervals to the Environmental and Injury Epidemiology and Toxicology Branch, **[Division, Bureau of]** Epidemiology and Disease Surveillance Unit, **[Texas]** Department of State Health Services, 1100 West 49th Street, Austin, Texas 78756. Transmission may be made by mail, courier, or electronic transfer.

(A) If by mail or courier, the reports shall be placed in a sealed envelope addressed to the attention of the Environmental and Injury Epidemiology and Toxicology Branch, **[Division, Bureau of]** Epidemiology and Disease Surveillance Unit, **[Texas]** Department of State Health Services, 1100 West 49th Street, Austin, Texas, 78756, and marked "Confidential Medical Records."

(B) (No change.)

(5) (No change.)

(d) - (e) (No change)

(f) Confidential nature of case reporting.

(1) All case reports received by the local health authority or the [**Texas**] Department of State Health Services are confidential records and not public records. These records will be held in a secure location and accessed only by authorized personnel.

(2) (No change.)