



# PUBLIC HEALTH DISASTER DECLARATION AND POWERS

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# Terms for Disasters and Emergencies

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There are typically at least four different terms used when referring to disasters or emergencies relating to public health:

- **Public Health Disaster - State** – Defined term in Texas state statute, Governor and Commissioner declared.
- **State of Disaster Declaration** – State – State statute authorizes Governor of Texas to declare state of disaster
- **Public Health Emergency - Federal law** – Secretary of U.S. Health and Human Services declared
- **Public Health Emergency** – State – Term used in Texas Statutes, not defined

## Communicable Disease Prevention and Control

### **Texas Health and Safety Code, ch. 81:**

- Subchapter A: Public Health Disaster
- Subchapter E: Control Measures
- Subchapter G: Enforcement of Control Measures  
(control orders)

# Public Health Disaster Defined

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## Public Health Disaster:

Texas Health and Safety Code, sec. 81.002(7). DEFINITIONS :

"Public health disaster" means:

- (A) a declaration by the governor of a state of disaster; **and**
- (B) a determination by the commissioner that there exists an immediate threat from a communicable disease that:
  - (i) poses a high risk of death or serious long-term disability to a large number of people; **and**
  - (ii) creates a substantial risk of public exposure because of the disease's high level of contagion or the method by which the disease is transmitted.

## Duration

- A declaration of a public health disaster may continue for not more than 30 days. *See* 81.082(d)

## Renewal

- A public health disaster may be renewed one time by the commissioner for an additional 30 days. *See* 81.082(d)

## Termination

- The governor may terminate a declaration of a public health disaster at any time. *See* 81.082(e)

## Impact of Public Health Disaster:

- **Additional Communicable Disease Reporting:** Commissioner may require reports of communicable diseases or other health conditions from providers without the adoption of a rule or other action by the executive commissioner. *see HSC § 81.041(f)*
- **Release of Information to first responders:** Reports, records, and information relating to cases or suspected cases of diseases or health conditions may be released to the extent necessary *during a public health disaster*, including an outbreak of a communicable disease, to law enforcement personnel and first responders solely for the purpose of protecting the health or life of a first responder or the person identified in the report, record, or information. *see HSC § 81.046(f)*

# Impact of Public Health Disaster continued

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## Impact of Public Health Disaster, continued:

- **Facility Designation:** A health authority may designate health care facilities within the health authority's jurisdiction that are capable of providing services for the examination, observation, quarantine, isolation, treatment, or imposition of control measures. *see HSC § 81.082(c-1)*
- **Enforcement of Control Order:** An individual may be subject to court orders under Subchapter G if the individual is infected or is reasonably suspected of being infected with a communicable disease that presents an immediate threat to the public health and a public health disaster exists, regardless of whether the department or health authority has issued a written order and the individual has indicated that the individual will not voluntarily comply with control measures. *see HSC § 81.083(e)*

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## Impact of Public Health Disaster, continued:

### **Property:**

- If the property is infected or contaminated as a result of a *public health disaster*, the department or health authority is not required to provide notice of control order, to owner of property. *see HSC § 81.084(b)*
- In a *public health disaster*, the department or health authority by written order may require a person who owns or controls property to impose control measures that are technically feasible to disinfect or decontaminate the property or, if technically feasible control measures are not available, may order the person who owns or controls the property to (1) destroy the property, other than land, in a manner that disinfects or decontaminates the property to prevent the spread of infection or contamination; (2) if the property is land, to securely fence the perimeter of the land or any part of the land that is infected or contaminated; or (3) to securely seal off an infected or contaminated structure or other property on land to prevent entry into the infected or contaminated area until the department or health authority authorizes entry into the structure or property. *see HSC § 81.084(d-1)*



## Impact of Public Health Disaster, continued:

- **Additional Control Measures:** Department or a health authority may impose additional control measures the department or health authority considers necessary and most appropriate to arrest, control, and eradicate the threat to the public health. *see* **HSC § 81.084(k)**
- **Disclosure of Immunization Information:** On request of the department during a *public health disaster*, an individual shall disclose the individual's immunization information. *see* **HSC § 81.085(i)**
- **Court Proceedings and Detention:** *see* **HSC § 81.165(b), 181.167(c) and 181.168(c)**
- **Commitment to a Private Facility:** The court may order a person committed to a private health care facility at no expense to the state, a county, a municipality, or a hospital district. *see* **HSC § 81.177(b)**

## Public Health Emergency (Federal)

**42 USC Sec. 247d(a):** Authorizes the Secretary of U.S. Health and Human Services to take appropriate action to respond to a Public Health Emergency if, after consultation with public health officials, the Secretary determines that:

- (1) A disease or disorder presents a public health emergency; or
- (2) A public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exist.

## **Public Health Emergency (Federal) continued:**

- May be activated by a major disaster or emergency.
- Must be requested by Governor of Impacted State or on initiation by Secretary if involves federal assets (federal building, tribal lands, nuclear materials, WMD/national defense).
- Lasts until Secretary declares PHE no longer exists or for up to 90 days unless renewed.

# Impact of Federal Public Health Emergency

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- **Impact of Federal Public Health Emergency:**
  - Authority and funds for federal response and assistance to state/local
  - Grant of federal funds (PH emergency fund)
  - Awards for expenses
  - Contracting
  - Support for investigation into cause, treatment for prevention

## Public Health Emergency (State)

- Not a defined term but used in Texas state statutes
- Term co-occurs with “disaster” or “declared disaster” in Texas statutes
- No impact on flow of funds



# State Public Health Emergency, continued

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## **Impact of State Public Health Emergency:**

### **Immunizations:**

Higher Education: Texas Education Code, sec. 51.9192(d-1)

Tracking Immunizations: Texas Health and Safety Code, sec. 161.007(b)(2))

Waiver of Fees: Texas Health and Safety Code, sec. 12.033

Disaster Preparation: Texas Health and Safety Code, sec. 161.0104

### **Licensed Physician Information:**

Emergency Contact Information: Texas Occupations Code, sec. 156.006

Questions?