

**Statement of the
Federation of State Medical Boards of the United States**

House Committee on Public Health

**Presented by Dale L. Austin
Senior Vice President/Chief Operating Officer**

Concerning Texas SB 591

May 2, 2007

1. The Federation of State Medical Boards

Good morning, Madame Chairman, and members of the Committee. I am Dale Austin, Senior Vice President and Chief Operating Officer of the Federation of State Medical Boards. The Federation is a national non-profit organization located in Dallas comprised of all state medical boards in the United States. I am pleased to comment on S.B. 591 and support its intent to further emergency preparedness in the state of Texas.

2. Background

Since 2001, the Federation has worked with its member state medical boards and the Centers for Disease Control and Prevention (CDC) to support the dissemination of public health information to physicians. The CDC approached the Federation regarding efforts whereby the CDC, in cooperation with state and local health departments, could immediately contact practicing physicians and distribute critical information relating to bioterrorism threats; for example, contacting primary care physicians here in Austin to remind them of the symptoms of anthrax poisoning if suspicion of such a problem exists.

Because of the Federation's unique position and connectedness with its member medical boards, the CDC recognized that we could play a significant role in providing the CDC critical contact information for all of the licensed physicians in this country. The Federation Physician Data Center contains information that can significantly support and enhance emergency preparedness and homeland security initiatives at both federal and state levels.

3. Key Concerns

After a successful pilot in 2005, early this year the CDC initiated with the Federation the first year of data collection to obtain contact information for practicing physicians in 10 metropolitan areas identified as high risk, including both the Dallas-Fort Worth and Houston areas here in Texas. In order for the Federation to successfully obtain physician contact data on Texas licensees, it will require a willingness, desire and ability to participate in this endeavor.

It is our belief that without amendment S.B. 591 could potentially prohibit and restrict the Texas Medical Board from providing such critical information for this initiative.

On behalf of our state medical boards, we believe this endeavor is in keeping with our collective commitment to public protection and is of the utmost priority. Therefore, we respectfully request the House version of S.B. 591 be amended to include the following language:

Section 1(d) and repeated in Section 2(b):

The information provided by a license holder under this section shall not be published, released or made available except for the express purpose of disseminating information to licensees and/or the designated city, county, state, and federal public health and emergency management officials, as well as the Federation of State Medical Boards, in the event of a public health emergency declared by the Governor, the Texas Department of State Health, or as invoked by an appropriate federal agency.

This alternate language furthers the intent and purpose of the legislation to improve preparedness and protect the public. Additionally, it would not hinder the CDC's ability to alert physicians in the event of a severe public health emergency, nor would it restrict the Texas Medical Board from providing the Federation emergency physician contact information. By amending S.B. 591 to include this language, the Texas Medical Board would be able to share their data with the Federation.

4. Conclusion

Extraordinary measures may be required during a public health emergency, and the legislature must balance the state's interest in protecting public health while protecting the privacy of physicians. It is vital that appropriate systems and procedures be in place to provide critical information to medical providers regarding potentially serious public health threats.

Therefore, the Federation urges you to reconsider the current language in S.B. 591 as it relates to the requirement that licensed physicians provide emergency contact information to only the Texas Medical Board and that you include Senator Nelson's language in the final version of the bill.

Thank you for the opportunity to testify today.