

RESULTS OF LITIGATION

NEW LEGISLATION, EFFECTIVE MAY 27, 2009 –

1. Allows opt-out by parent, guardian, or managing conservator
2. Allows later opt-out on reaching age of 18
3. Implements extensive privacy protections and controls over research
4. Forms and web information in English, Spanish, and Vietnamese

TERMS OF SETTLEMENT (FOR SPECIMENS COLLECTED PRIOR TO MAY 27, 2009)

1. DSHS agrees to destroy all blood specimens in its or TAMHSC's possession, which were taken from infants born in Texas as part of Texas's newborn screening ("NBS") program and received by DSHS prior to May 27, 2009, for which DSHS at the time of destruction does not have written consent from the parent, guardian, or managing conservator to retain and use those specimens.
 - a. The destruction will be completed within 120 days of the entry of the Order of Dismissal (December 14, 2009).
 - b. The Assistant Commissioner over DSHS laboratory operations will confirm the destruction within 10 days of such destruction by affidavit.
2. DSHS agrees to post on the NBS website a list of all research projects for which it has provided NBS blood specimens as of the Effective Date of this Agreement.
3. DSHS also agrees to post on the NBS website a comprehensive list of categories of quality assurance and quality control uses for which it has provided NBS blood specimens, as of the Effective Date of this Agreement.
4. The information in Paragraphs 2 and 3 will be posted by January 13, 2010 and will remain posted for a period of not less than 180 days.
5. DSHS agrees to inform the plaintiffs, in writing, of uses to which their children's NBS blood specimens have been put, if any, as well as any financial transactions, if any, regarding those specimens as of the Effective Date of this Agreement. The information will be provided by January 13, 2010.
6. DSHS agrees to revise the NBS blood specimen destruction request form to state that said form can be mailed to DSHS by the hospital/provider or the parent, guardian, or managing conservator. This revision will be made by January 13, 2010.
7. DSHS agrees to post a Spanish and Vietnamese translation of the NBS blood specimen destruction request form on the NBS website by February 12, 2010.