**Cause No. \_\_\_\_\_\_\_\_\_\_\_**

**In Re: § In The District Court**

**A.B.C. § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, Texas**

**§ \_\_\_\_\_\_\_ Judicial District**

**Petition for Hearing on Mandatory Testing of Person**

**For Reportable Disease**

Name, M.D., Health Authority for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County **OR** Name, M.D., a licensed physician employed by the \_\_\_\_\_\_\_\_\_\_\_\_\_ County Health Department who is responsible for the control of notifiable conditions **OR** Name, M.D., Department of State Health Services Regional Director petitions this court for a hearing on an order for mandatory testing of a person for reportable disease, pursuant to Texas Health and Safety Code Section 81.050.

**I.**

**Communicable Disease Exposure & Order for Testing**

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, M.D., (Hereafter, “Health Authority”) is the designee of the Department of State Health Services for purposes of Texas Health and Safety Code Section 81.050. 25 Tex. Admin. Code § 97.12(d).
2. The Health Authority reviewed the affidavit of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , a peace officer/EMS medic, etc. in which the affiant alleged specific facts showing that affiant may have been exposed to COVID-19, a/k/a novel coronavirus, in the course of affiant’s employment as a peace officer/EMS medic, etc. Affiant requested testing of Source Person, the person who may have exposed affiant to COVID-19. *See Ex. 1, Affidavit of \_\_\_\_\_.*
3. Based on their knowledge, experience, and the facts alleged in the affidavit, the Health Authority concluded that affiant’s request meets the criteria establishing risk of infection with COVID-19, a reportable disease under Texas law, via the usual mode of transmission as determined by the Texas Department of State Health Services due to affiant’s exposure to Source Person.
4. The Health Authority issued an administrative order requiring Source Person to be tested for COVID-19. *See Ex. 2, Order for Testing.*
5. Source Person was served with the order requiring mandatory testing on Date. The order included all statutorily required notifications.
6. Source Person refused to be tested.
7. Pursuant to Health and Safety Code Section 81.050(f), the Health Authority requested the District Attorney, as the attorney who represents the state in district court, to petition this Court for a hearing on the Order for Mandatory Testing served on Source Person.
8. All attached exhibits are hereby incorporated for all purposes.

**II.**

**Prayer**

1. Health Authority, as the designee of the Texas Department of State Health Services, requests a hearing on Order for Mandatory Testing. The Health Authority further requests that, on conclusion of the hearing, this Court enter an order requiring counseling and testing of Source Person for COVID-19. The Health Authority prays for all further relief to which they may be entitled.

Respectfully submitted,

Name

\_\_\_\_\_\_\_\_\_\_\_ County Criminal District Attorney

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name

Assistant Criminal District Attorney

State Bar No. \_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Texas

Phone

Email Address

**Certificate of Service**

I certify that a copy of this document is being served on the person(s) below, as indicated, on Date.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name

Assistant Criminal District Attorney

Source Person

Address/Email

**Notes:**

H&S § 81.050 does not require the petition to be verified. *Cf.* H&S § 81.151(a) (requiring “sworn written application for court order for the management of a person with a communicable disease.”)

**Style:** H&S § 81.050 does not address the form or style of a petition filed in district court. However, use of the source person’s initials in the style is consistent with the requirement in H&S § 81.152(a), which governs applications for court orders for management of persons with a communicable disease, since § 81.152(a) expresses the legislative intent to provide some anonymity for persons subject to Chapter 81. Still, the source person’s may be in the application, and this is also consistent with H&S § 81.152.