

By: Menéndez

S.B. No. 640

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a study on the interoperability needs and technology  
3 readiness of behavioral health service providers in this state.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. (a) In this section:

6 (1) "Advisory committee" means the e-Health Advisory  
7 Committee established by the executive commissioner in accordance  
8 with Section 531.012, Government Code.

9 (2) "Commission" means the Health and Human Services  
10 Commission.

11 (3) "Executive commissioner" means the executive  
12 commissioner of the Health and Human Services Commission.

13 (b) The commission and the advisory committee jointly shall  
14 conduct a study to assess the interoperability needs and technology  
15 readiness of behavioral health service providers in this state,  
16 including the needs and readiness of each:

17 (1) state hospital, as defined by Section 552.0011,  
18 Health and Safety Code;

19 (2) local mental health authority, as defined by  
20 Section 531.002, Health and Safety Code;

21 (3) freestanding psychiatric hospital;

22 (4) high volume provider group under the STAR+PLUS,  
23 STAR Kids, or STAR Health Medicaid managed care programs;

24 (5) Medicaid payor;

1           (6) county jail, municipal jail, and other local law  
2 enforcement entity involved in providing behavioral health  
3 services; and

4           (7) trauma service area regional advisory council.

5           (c) In conducting the study under Subsection (b) of this  
6 section, the commission and advisory committee shall determine  
7 which of the providers described by that subsection use an  
8 electronic health record management system and evaluate:

9           (1) for each of those providers that use an electronic  
10 health record management system:

11           (A) when the provider implemented the electronic  
12 health record management system;

13           (B) whether the provider is also connected to a  
14 system outside of the provider's electronic health record  
15 management system and, if the provider is connected to an outside  
16 system:

17           (i) to what outside system the provider is  
18 connected and how the provider is connected;

19           (ii) what type of information the provider  
20 shares with the outside system, including information on admissions  
21 or discharges, dispensing of medication, and clinical notes; and

22           (iii) what type of information the provider  
23 receives from the outside system, including new patient information  
24 and the receipt of real time notifications of patient events; and

25           (C) what the provider finds valuable about using  
26 an electronic health record management system or being connected to  
27 an outside system, including:

1 (i) whether the provider uses a  
2 prescription drug monitoring program as part of the electronic  
3 health record management system or the outside system and the  
4 provider's reason for using or not using a prescription drug  
5 monitoring program, as applicable;

6 (ii) whether, in using the electronic  
7 health record management system or being connected to an outside  
8 system, the provider finds valuable the use of qualitative data for  
9 improving patient care; and

10 (iii) the provider's opinion on the  
11 efficiency and cost-effectiveness of using an electronic health  
12 record management system or being connected to an outside system;  
13 and

14 (2) for both the providers who use an electronic  
15 health record management system or an outside system and the  
16 providers who do not use either system, barriers to being connected  
17 or to becoming connected, as applicable, including:

18 (A) whether they consider any of the following a  
19 barrier:

20 (i) the cost of using either system;

21 (ii) security or privacy concerns with  
22 using either system;

23 (iii) patient consent issues associated  
24 with using either system; or

25 (iv) legal, regulatory, or licensing  
26 factors associated with using either system; and

27 (B) for the providers who are not connected to

1 either system, whether and for what reasons they consider being  
2 connected valuable or useful to treating patients.

3 (d) Based on the results of the study conducted under  
4 Subsection (b) of this section and not later than August 31, 2022,  
5 the advisory committee shall prepare and submit to the commission,  
6 legislature, lieutenant governor, and governor a written report  
7 that includes:

8 (1) a state plan, including a proposed timeline, for  
9 aligning the interoperability and technological capabilities in  
10 the provision of behavioral health services with applicable law,  
11 including:

12 (A) the 21st Century Cures Act (Pub. L.  
13 No. 114-255);

14 (B) federal or state law on health information  
15 technology; and

16 (C) the delivery system reform incentive payment  
17 program and uniform hospital rate increase program;

18 (2) information on gaps in education, and  
19 recommendations for closing those gaps, regarding the appropriate  
20 sharing of behavioral health data, including education on:

21 (A) the sharing of progress notes versus  
22 psychotherapy notes;

23 (B) obtaining consent for electronic data  
24 sharing; and

25 (C) common provider and patient  
26 misunderstandings of applicable law;

27 (3) an evaluation of the differences and similarities

1 between federal and state law on the interoperability and  
2 technological requirements in the provision of behavioral health  
3 services; and

4 (4) recommendations for standardizing the use of  
5 social determinants of health.

6 (e) To the extent permitted by law and as the executive  
7 commissioner determines appropriate, the commission shall  
8 implement, within the commission's prescribed authority, a  
9 component of the plan or a regulatory recommendation included in  
10 the report required under Subsection (d) of this section.

11 SECTION 2. This Act expires September 1, 2023.

12 SECTION 3. This Act takes effect September 1, 2021.