

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1060
By: Parker et al. (Harris)
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a hospital's patient index typically contains from four to 12 percent duplicate patient records. Hospitals typically create twice as many duplicate records as currently exist in their patient index because currently deployed duplicate record reports usually only identify half of the known duplicate records. These and other complications lead to the failure to identify past treatments administered to the patient and other information contained in a person's medical history, including known allergic reactions to certain treatments. Advancements in technology have brought more efficient and effective ways for the healthcare industry to supply medical service. However, the healthcare industry is currently prohibited from utilizing advancements in technology to collect data contained on a patient's form of personal identification. If scanned at the point of service, a patient's identification can gather necessary demographic and medical information in real time and absent the threat of an error during manual data entry.

C.S.H.B. 1060 allows hospitals to access important information from an individual's driver's license or personal identification card for the purpose of faster and more accurate identification of the patient. This bill also clarifies that a hospital is authorized to transfer the information gathered from a person's license or identification card to business associates that the hospital has entered into a contract with to maintain the database created using this information and prohibits the business associate or anyone the business associate subcontracts from using the information for any purpose other than the database and from transferring the information.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.126, Transportation Code, by amending Subsection (b) and adding Subsections (i), (j), and (k) as follows:

(b) Makes a conforming change.

(i) Provides that the prohibition against a person accessing or using electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate or against a person compiling or maintaining a database of electronically readable information derived from such licenses or certificates does not apply to a hospital that accesses, uses, compiles, or maintains a database of the information to provide health care services to the individual who holds the driver's license, commercial driver's license, or personal identification certificate.

(j) Prohibits a hospital, except as otherwise provided by this subsection, from selling, transferring, or otherwise disseminating the information described by Subsection (i) to a third party for any purpose, including any marketing, advertising, or promotional activities. Authorizes a hospital that obtains information described by Subsection (i) to transfer the information only to certain persons. Authorizes the business associate and any subcontractor of the business associate who receives the transferred information to use the information only to service or maintain the hospital's database of the information.

(k) Requires the hospital to use an alternative method for collecting information from an individual who objects to the hospital collecting the information from the individual's driver's license as described by Subsection (i).

SECTION 2. Effective date: September 1, 2007.