

BILL ANALYSIS

Senate Research Center

S.B. 204
By: Nelson et al.
Health & Human Services
6/27/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires health care providers to report all vaccinations of children under 18 years of age to the Department of State Health Services. Participation in the state's immunization registry is important to protect children against childhood diseases. This legislation is meant to address the needs of health care providers that elect to use electronic medical records software for submission of vaccination records to the state's immunization registry.

S.B. 204 requires vendors that sell electronic medical record systems to Texas health care providers to include automatic uploading and downloading capabilities for the fields necessary to populate the state immunization registry.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 161.0107, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 161, Health and Safety Code, by adding Sections 161.0107 and 161.0108, as follows:

Sec. 161.0107. **ELECTRONIC MEDICAL RECORDS SYSTEMS.** (a) Defines "electronic medical records software package or system" and "medical records."

(b) Requires a provider of electronic medical records software packages or systems to a person who administers immunizations in this state or an entity that manages immunization records for the person to provide, as part of the electronic medical records software package or system, the ability to electronically interface with the immunization registry created under this subchapter (immunization registry) and to generate electronic reports with fields necessary to populate the immunization registry.

(c) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule to specify the fields necessary to populate the immunization registry, including a field that indicates the patient's consent to be listed in the immunization registry has been obtained; and the data standards that are required to be used for electronic submission of immunization information.

(d) Requires the data standards specified under Subsection (b) to be compatible with the standards for immunization information transmission adopted by the Healthcare Information Technology Standards Panel sponsored by the American National Standards Institute and included in certification criteria by the Certification Commission for Healthcare Information Technology.

Sec. 161.0108. **INJUNCTION.** Authorizes the attorney general to bring an action in the name of the state to enjoin a violation of Section 161.0107 and to recover attorney's fees, court costs, and investigative costs arising from the proceeding if the state prevails.

SECTION 2. Provides that the change in law made by this Act applies only to a cause of action that accrues on or after the effective date of rules adopted by the executive commissioner of the Health and Human Services Commission under Section 161.0107, Health and Safety Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2007.