

By: Parker, McClendon, Zerwas

H.B. No. 1060

Substitute the following for H.B. No. 1060:

By: Macias

C.S.H.B. No. 1060

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of electronically readable information from a
3 driver's license or personal identification certificate by certain
4 health care providers and hospitals.

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

6 SECTION 1. Section 521.126, Transportation Code, is amended
7 by amending Subsection (b) and adding Subsections (i) and (j) to
8 read as follows:

9 (b) Except as provided by Subsections (d), (e), ~~and~~ (g),
10 (i), and (j), a person commits an offense if the person:

11 (1) accesses or uses electronically readable
12 information derived from a driver's license, commercial driver's
13 license, or personal identification certificate; or

14 (2) compiles or maintains a database of electronically
15 readable information derived from driver's licenses, commercial
16 driver's licenses, or personal identification certificates.

17 (i) The prohibition provided by Subsection (b) does not
18 apply to a health care provider or hospital that accesses, uses,
19 compiles, or maintains a database of the information to provide
20 health care services to the individual who holds the driver's
21 license, commercial driver's license, or personal identification
22 certificate. In this subsection, "health care provider" means an
23 individual or facility licensed, certified, or otherwise
24 authorized by the law of this state to provide or administer health

1 care, for profit or otherwise, in the ordinary course of business or
2 professional practice, including a physician, nurse, dentist,
3 podiatrist, pharmacist, chiropractor, therapeutic optometrist,
4 ambulatory surgical center, and nursing home.

5 (j) A health care provider who obtains information
6 described by Subsection (i) may transfer the information to a
7 health care vendor, regional health care information organization,
8 or other person with whom the health care provider has entered into
9 a business associate contract in accordance with the rules
10 implementing the federal Health Insurance Portability and
11 Accountability Act of 1996 (Pub. L. No. 104-191). The business
12 associate may use the information or compile or maintain a database
13 of the information to assist the health care provider in providing
14 health care services to the individual who is the subject of the
15 information or in performing functions related to those health care
16 services.

17 SECTION 2. This Act takes effect September 1, 2007.