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H.B. No. 2042

A BILL TO BE ENTITLED

AN ACT

relating to an electronic database of physicians, hospitals, and other health care providers participating in the state Medicaid program.

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

SECTION 1. Chapter 32, Human Resources Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. MEDICAL ASSISTANCE PROGRAM PROVIDER DATABASE

Sec. 32.101. DEFINITIONS. In this subchapter:

(1) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(2) "Health care provider" means a person, other than a physician, who:

(A) is licensed or otherwise authorized to provide a health care service in this state, including:

(i) a pharmacist, dentist, optometrist, mental health counselor, social worker, advanced practice nurse, physician assistant, or durable medical equipment supplier; or

(ii) a pharmacy, hospital, or other institution or organization;

(B) is wholly owned or controlled by:

(i) a health care provider or a group of health care providers described by Paragraph (A); or

(ii) one or more hospitals and physicians,

1 including a physician-hospital organization;

2 (C) is a professional association of physicians
3 organized under the Texas Professional Association Law, as
4 described by Section 1.008, Business Organizations Code;

5 (D) is an approved nonprofit health corporation
6 certified under Chapter 162, Occupations Code;

7 (E) is a medical and dental unit, as defined by
8 Section 61.003, Education Code, a medical school, as defined by
9 Section 61.501, Education Code, or a health science center
10 described by Subchapter K, Chapter 74, Education Code, that employs
11 or contracts with physicians to teach or provide medical services,
12 or employs physicians and contracts with physicians in a practice
13 plan; or

14 (F) is another person wholly owned by physicians.

15 (3) "Managed care organization" has the meaning
16 assigned by Section 533.001, Government Code.

17 (4) "Managed care plan" has the meaning assigned by
18 Section 533.001, Government Code.

19 (5) "Participating provider" means a physician or
20 health care provider who is a provider of medical assistance,
21 including a physician or health care provider who contracts or
22 otherwise agrees with a managed care organization to provide
23 medical assistance under this chapter.

24 (6) "Physician" means an individual licensed to
25 practice medicine in this state.

26 (7) "Recipient" means a recipient of medical
27 assistance.

1 Sec. 32.102. DATABASE OF MEDICAL ASSISTANCE PROGRAM
2 PROVIDERS. (a) The executive commissioner shall establish and
3 administer an electronic, searchable, Internet-based database of
4 all participating providers in the medical assistance program.

5 (b) The database must include, as applicable, at least the
6 following information regarding each participating provider:

7 (1) the provider's:

8 (A) name;

9 (B) specialty;

10 (C) location;

11 (D) office hours, including any office hours
12 outside of regular business hours; and

13 (E) telephone number;

14 (2) whether the provider:

15 (A) is accepting new recipients, and if the
16 provider is accepting new recipients and if applicable, the managed
17 care organization or managed care plan under which new recipients
18 are being accepted;

19 (B) has any practice limitations, including
20 specific age range limitations; and

21 (C) speaks any languages other than English;

22 (3) a list of the medical assistance program services
23 offered by the provider; and

24 (4) any waiver program or other program within the
25 medical assistance program in which the provider is a participant,
26 including the Texas Health Steps program.

27 (c) In establishing the database, the executive

1 commissioner shall ensure that the database:

2 (1) allows a person to search a managed care
3 organization by name and by participating provider within each of
4 the managed care plans offered by that managed care organization;

5 (2) allows a participating provider to electronically
6 access and change or update the information required by Subsection
7 (b)(1), (2), or (3); and

8 (3) is available and accessible to each participating
9 provider and each recipient.

10 (d) The executive commissioner shall ensure that the
11 database is updated continually and at least once a month.

12 Sec. 32.103. CERTAIN FEES PROHIBITED. A person, including
13 the executive commissioner, a person acting under a contract under
14 Section 32.104, or a managed care organization, may not charge a
15 participating provider or a recipient a fee, directly or
16 indirectly, for making information available or for accessing
17 information in the database established under this subchapter.

18 Sec. 32.104. AUTHORITY TO CONTRACT. (a) The executive
19 commissioner may contract with a state agency or a private entity
20 for the creation, operation, and maintenance of the database
21 required by this subchapter.

22 (b) A contract entered into under this section must allow
23 the executive commissioner to oversee and supervise the contractor
24 and the database.

25 Sec. 32.105. RULES. The executive commissioner shall adopt
26 rules to implement and administer this subchapter.

27 SECTION 2. Not later than January 1, 2008, the executive

1 commissioner of the Health and Human Services Commission shall
2 adopt the rules required by Section 32.105, Human Resources Code,
3 as added by this Act.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2007.