

1-1 By: Dukes, Veasey (Senate Sponsor - Nelson) H.B. No. 2042  
1-2 (In the Senate - Received from the House May 7, 2007;  
1-3 May 8, 2007, read first time and referred to Committee on Health  
1-4 and Human Services; May 11, 2007, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 11, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to an electronic database of physicians, hospitals, and  
1-9 other health care providers participating in the state Medicaid  
1-10 program.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 32, Human Resources Code, is amended by  
1-13 adding Subchapter C to read as follows:

1-14 SUBCHAPTER C. MEDICAL ASSISTANCE PROGRAM PROVIDER DATABASE

1-15 Sec. 32.101. DEFINITIONS. In this subchapter:

1-16 (1) "Executive commissioner" means the executive  
1-17 commissioner of the Health and Human Services Commission.

1-18 (2) "Health care provider" means a person, other than  
1-19 a physician, who:

1-20 (A) is licensed or otherwise authorized to  
1-21 provide a health care service in this state, including:

1-22 (i) a pharmacist, dentist, mental health  
1-23 counselor, social worker, advanced practice nurse, physician  
1-24 assistant, or durable medical equipment supplier; or

1-25 (ii) a pharmacy, hospital, or other  
1-26 institution or organization;

1-27 (B) is wholly owned or controlled by:

1-28 (i) a health care provider or a group of  
1-29 health care providers described by Paragraph (A); or

1-30 (ii) one or more hospitals and physicians,  
1-31 including a physician-hospital organization;

1-32 (C) is a professional association of physicians  
1-33 organized under the Texas Professional Association Law, as  
1-34 described by Section 1.008, Business Organizations Code;

1-35 (D) is an approved nonprofit health corporation  
1-36 certified under Chapter 162, Occupations Code;

1-37 (E) is a medical and dental unit, as defined by  
1-38 Section 61.003, Education Code, a medical school, as defined by  
1-39 Section 61.501, Education Code, or a health science center  
1-40 described by Subchapter K, Chapter 74, Education Code, that employs  
1-41 or contracts with physicians to teach or provide medical services,  
1-42 or employs physicians and contracts with physicians in a practice  
1-43 plan; or

1-44 (F) is another person wholly owned by physicians.

1-45 (3) "Managed care organization" has the meaning  
1-46 assigned by Section 533.001, Government Code.

1-47 (4) "Managed care plan" has the meaning assigned by  
1-48 Section 533.001, Government Code.

1-49 (5) "Participating provider" means a physician or  
1-50 health care provider who is a provider of medical assistance,  
1-51 including a physician or health care provider who contracts or  
1-52 otherwise agrees with a managed care organization to provide  
1-53 medical assistance under this chapter.

1-54 (6) "Physician" means an individual licensed to  
1-55 practice medicine in this state.

1-56 (7) "Recipient" means a recipient of medical  
1-57 assistance.

1-58 Sec. 32.102. DATABASE OF MEDICAL ASSISTANCE PROGRAM  
1-59 PROVIDERS. (a) The executive commissioner shall establish and  
1-60 administer an electronic, searchable, Internet-based database of  
1-61 all participating providers in the medical assistance program.

1-62 (b) The database must include, as applicable, at least the  
1-63 following information regarding each participating provider:

1-64 (1) the provider's:

2-1 (A) name;  
2-2 (B) specialty;  
2-3 (C) location;  
2-4 (D) office hours, including any office hours  
2-5 outside of regular business hours; and  
2-6 (E) telephone number;

2-7 (2) whether the provider:  
2-8 (A) is accepting new recipients, and if the  
2-9 provider is accepting new recipients and if applicable, the managed  
2-10 care organization or managed care plan under which new recipients  
2-11 are being accepted;

2-12 (B) has any practice limitations, including  
2-13 specific age range limitations; and

2-14 (C) speaks any languages other than English;  
2-15 (3) a list of the medical assistance program services  
2-16 offered by the provider; and

2-17 (4) any waiver program or other program within the  
2-18 medical assistance program in which the provider is a participant,  
2-19 including the Texas Health Steps program.

2-20 (c) In establishing the database, the executive  
2-21 commissioner shall ensure that the database:

2-22 (1) allows a person to search a managed care  
2-23 organization by name and by participating provider within each of  
2-24 the managed care plans offered by that managed care organization;

2-25 (2) allows a participating provider to electronically  
2-26 access and change or update the information required by Subsection  
2-27 (b)(1), (2), or (3); and

2-28 (3) is available and accessible to each participating  
2-29 provider and each recipient.

2-30 (d) The executive commissioner shall ensure that the  
2-31 database is updated continually and at least once a month.

2-32 Sec. 32.103. CERTAIN FEES PROHIBITED. A person, including  
2-33 the executive commissioner, a person acting under a contract under  
2-34 Section 32.104, or a managed care organization, may not charge a  
2-35 participating provider or a recipient a fee, directly or  
2-36 indirectly, for making information available or for accessing  
2-37 information in the database established under this subchapter.

2-38 Sec. 32.104. AUTHORITY TO CONTRACT. (a) The executive  
2-39 commissioner may contract with a state agency or a private entity  
2-40 for the creation, operation, and maintenance of the database  
2-41 required by this subchapter.

2-42 (b) A contract entered into under this section must allow  
2-43 the executive commissioner to oversee and supervise the contractor  
2-44 and the database.

2-45 Sec. 32.105. RULES. The executive commissioner shall adopt  
2-46 rules to implement and administer this subchapter.

2-47 SECTION 2. Not later than January 1, 2008, the executive  
2-48 commissioner of the Health and Human Services Commission shall  
2-49 adopt the rules required by Section 32.105, Human Resources Code,  
2-50 as added by this Act.

2-51 SECTION 3. This Act takes effect immediately if it receives  
2-52 a vote of two-thirds of all the members elected to each house, as  
2-53 provided by Section 39, Article III, Texas Constitution. If this  
2-54 Act does not receive the vote necessary for immediate effect, this  
2-55 Act takes effect September 1, 2007.

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