

By: Delisi

H.B. No. 2610

A BILL TO BE ENTITLED

1 AN ACT

2 relating to electronic communications with respect to the medical
3 assistance program.

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

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

7 SUBCHAPTER C. ELECTRONIC COMMUNICATIONS

8 Sec. 32.101. DEFINITIONS. In this subchapter:

9 (1) "Electronic health record" means electronically
10 originated and maintained health and claims information regarding
11 the health status of an individual that may be derived from multiple
12 sources and includes the following core functionalities:

13 (A) a patient health and claims information or
14 data entry function to aid with medical diagnosis, nursing
15 assessment, medication lists, allergy recognition, demographics,
16 clinical narratives, and test results;

17 (B) a results management function that may
18 include computerized laboratory test results, diagnostic imaging
19 reports, interventional radiology reports, and automated displays
20 of past and present medical or laboratory test results;

21 (C) a computerized physician order entry of
22 medication, care orders, and ancillary services;

23 (D) clinical decision support that may include
24 electronic reminders and prompts to improve prevention, diagnosis,

1 and management; and

2 (E) electronic communication and connectivity
3 that allows online communication:

4 (i) among physicians and health care
5 providers; and

6 (ii) among the Health and Human Services
7 Commission, the operating agencies, and participating providers.

8 (2) "Executive commissioner" means the executive
9 commissioner of the Health and Human Services Commission.

10 (3) "Health care provider" means a person, other than
11 a physician, who is licensed or otherwise authorized to provide a
12 health care service in this state.

13 (4) "Health information technology" means information
14 technology used to improve the quality, safety, or efficiency of
15 clinical practice, including the core functionalities of an
16 electronic health record, electronic medical record, computerized
17 physician or health care provider order entry, electronic
18 prescribing, and clinical decision support technology.

19 (5) "Operating agency" means a health and human
20 services agency operating part of the medical assistance program.

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

26 (7) "Physician" means an individual licensed to
27 practice medicine in this state under the authority of Subtitle B,

1 Title 3, Occupations Code, or a person that is:

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

5 (B) an approved nonprofit health corporation
6 certified under Chapter 162, Occupations Code, that employs or
7 contracts with physicians to provide medical services;

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

15 (D) a person wholly owned by a person described
16 by Paragraph (A), (B), or (C).

17 (8) "Recipient" means a recipient of medical
18 assistance.

19 Sec. 32.102. ELECTRONIC COMMUNICATIONS. (a) To the extent
20 allowed by federal law, the executive commissioner shall adopt
21 rules to permit, facilitate, and implement the use of health
22 information technology for the medical assistance program to allow
23 for electronic communication among the Health and Human Services
24 Commission, the operating agencies, and participating providers
25 for:

26 (1) eligibility, enrollment, verification procedures,
27 and prior authorization for health care services or procedures

1 covered by the medical assistance program, as determined by the
2 executive commissioner, including diagnostic imaging;

3 (2) the update of practice information by
4 participating providers;

5 (3) the exchange of recipient health care information,
6 including electronic prescribing and electronic health records;

7 (4) any document or information requested or required
8 under the medical assistance program by the Health and Human
9 Services Commission, the operating agencies, or participating
10 providers; and

11 (5) the enhancement of clinical and drug information
12 available through the vendor drug program to ensure a comprehensive
13 electronic health record for recipients.

14 (b) In adopting rules under this section, the executive
15 commissioner:

16 (1) shall ensure that health information technology
17 used under this section:

18 (A) complies with the applicable requirements of
19 the Health Insurance Portability and Accountability Act; and

20 (B) includes technology used to extract and
21 process claims and other information collected, stored, or accessed
22 by the medical assistance program, program contractors,
23 participating providers, and state agencies operating any part of
24 the medical assistance program for the purpose of providing patient
25 information at the location where the patient is receiving care;

26 (2) shall ensure that a paper record or document is not
27 required to be filed if the record or document is permitted or

1 required to be filed or transmitted electronically by rule of the
2 executive commissioner;

3 (3) may provide for incentives to participating
4 providers to encourage their use of health information technology
5 under this subchapter;

6 (4) may provide recipients with a method to access
7 their own health information; and

8 (5) may present recipients with an option to decline
9 having their health information maintained in an electronic format
10 under this subchapter.

11 (c) The executive commissioner shall consult with
12 participating providers and other interested stakeholders in
13 developing proposed rules under this section. The executive
14 commissioner shall request advice and information from those
15 stakeholders concerning the proposed rules, including advice
16 regarding the impact of and need for a proposed rule.

17 SECTION 2. The executive commissioner of the Health and
18 Human Services Commission shall adopt the rules required for the
19 implementation of Subchapter C, Chapter 32, Human Resources Code,
20 as added by this Act, not later than January 31, 2008.

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