

By: Delisi

H.B. No. 3471

A BILL TO BE ENTITLED

AN ACT

relating to creation of a pilot program for use of health information technology concerning certain Medicaid recipients.

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

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

SUBCHAPTER D. ELECTRONIC HEALTH INFORMATION PILOT PROGRAM

Sec. 32.151. DEFINITIONS. In this subchapter:

(1) "Electronic health record" means an ambulatory electronic health record that is certified by the Certification Commission for Healthcare Information Technology or that meets other federally approved interoperability standards.

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

(3) "Health information technology" means information technology used to improve the quality, safety, and efficiency of clinical practice, including the core functionalities of an electronic health record, computerized physician order entry, electronic prescribing, and clinical decision support technology.

(4) "Physician" means:

(A) an individual licensed to practice medicine in this state under Subtitle B, Title 3, Occupations Code; or

(B) a professional association of four or fewer physicians formed under the Texas Professional Association Law, as

1 described by Section 1.008, Business Organizations Code.

2 (5) "Recipient" means a recipient of medical  
3 assistance.

4 Sec. 32.152. ELECTRONIC HEALTH INFORMATION PILOT PROGRAM.  
5 The executive commissioner, from money appropriated for this  
6 purpose, shall develop and implement a pilot program for providing  
7 health information technology, including electronic health  
8 records, for use by primary care physicians who provide medical  
9 assistance to recipients.

10 Sec. 32.153. PROVIDER PARTICIPATION. For participation in  
11 the pilot program, the department shall select physicians who:

12 (1) are providers of medical assistance, including  
13 physicians who contract or otherwise agree with a managed care  
14 organization to provide medical assistance under this chapter; and

15 (2) demonstrate that at least 40 percent of the  
16 physicians' practice involves the provision of primary care  
17 services to recipients in the medical assistance program.

18 Sec. 32.154. SECURITY OF PERSONALLY IDENTIFIABLE HEALTH  
19 INFORMATION. (a) Personally identifiable health information of  
20 recipients enrolled in the pilot program must be maintained in an  
21 electronic format or technology that meets interoperability  
22 standards that are recognized by the Certification Commission for  
23 Healthcare Information Technology or other federally approved  
24 certification standards.

25 (b) The system used to access a recipient's electronic  
26 health record must be secure and maintain the confidentiality of  
27 the recipient's personally identifiable health information in

1 accordance with applicable state and federal law.

2 Sec. 32.155. GIFTS, GRANTS, AND DONATIONS. The department  
3 may request and accept gifts, grants, and donations from public or  
4 private entities for the implementation of the pilot program.

5 Sec. 32.156. PROTECTED HEALTH INFORMATION. To the extent  
6 that this subchapter authorizes the use or disclosure of protected  
7 health information by a covered entity, as those terms are defined  
8 by the privacy rule of the Administrative Simplification subtitle  
9 of the Health Insurance Portability and Accountability Act of 1996  
10 (Pub. L. No. 104-191) contained in 45 C.F.R. Part 160 and 45 C.F.R.  
11 Part 164, Subparts A and E, the covered entity shall ensure that the  
12 use or disclosure complies with all applicable requirements,  
13 standards, or implementation specifications of the privacy rule.

14 Sec. 32.157. EXPIRATION OF SUBCHAPTER. This subchapter  
15 expires September 1, 2011.

16 SECTION 2. Not later than December 31, 2008, the executive  
17 commissioner of the Health and Human Services Commission shall  
18 submit to the governor, lieutenant governor, speaker of the house  
19 of representatives, presiding officer of the House Committee on  
20 Public Health, and presiding officer of the Senate Committee on  
21 Health and Human Services a report regarding the preliminary  
22 results of the pilot program established under Subchapter D,  
23 Chapter 32, Human Resources Code, as added by this Act, and any  
24 recommendations regarding expansion of the pilot program,  
25 including any recommendations for legislation and requests for  
26 appropriation necessary for the expansion of the pilot program.

27 SECTION 3. If before implementing any provision of this Act

1 a state agency determines that a waiver or authorization from a  
2 federal agency is necessary for implementation, the agency affected  
3 by the provision shall request the waiver or authorization and may  
4 authorize a delay in implementing that provision until the waiver  
5 or authorization is granted.

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