

AN ACT

relating to certain electronic medical records systems.

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

SECTION 1. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Sections 161.0107 and 161.0108 to read as follows:

Sec. 161.0107. ELECTRONIC MEDICAL RECORDS SYSTEMS. (a) In this section:

(1) "Electronic medical records software package or system" means an electronic system for maintaining medical records in the clinical setting.

(2) "Medical records" has the meaning assigned by Section 151.002, Occupations Code.

(b) A person who sells, leases, or otherwise provides an electronic medical records software package or system to a person who administers immunizations in this state or to an entity that manages records for the person shall provide, as part of the electronic medical records software package or system, the ability to:

(1) electronically interface with the immunization registry created under this subchapter; and

(2) generate electronic reports that contain the fields necessary to populate the immunization registry.

(c) The executive commissioner of the Health and Human

1 Services Commission by rule shall specify:

2 (1) the fields necessary to populate the immunization
3 registry, including a field that indicates the patient's consent to
4 be listed in the immunization registry has been obtained; and

5 (2) the data standards that must be used for
6 electronic submission of immunization information.

7 (d) The data standards specified under Subsection (b) must
8 be compatible with the standards for immunization information
9 transmission adopted by the Healthcare Information Technology
10 Standards Panel sponsored by the American National Standards
11 Institute and included in certification criteria by the
12 Certification Commission for Healthcare Information Technology.

13 Sec. 161.0108. INJUNCTION. (a) The attorney general may
14 bring an action in the name of the state to enjoin a violation of
15 Section 161.0107.

16 (b) If the state prevails in a suit under this section, the
17 attorney general may recover on behalf of the state reasonable
18 attorney's fees, court costs, and reasonable investigative costs
19 incurred in relation to the proceeding.

20 SECTION 2. The change in law made by this Act applies only
21 to a cause of action that accrues on or after the effective date of
22 rules adopted by the executive commissioner of the Health and Human
23 Services Commission under Section 161.0107, Health and Safety Code,
24 as added by this Act.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 204

1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 204 passed the Senate on March 14, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 21, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 204 passed the House, with amendments, on May 16, 2007, by the following vote: Yeas 148, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor