

By: Duncan

S.B. No. 1614

A BILL TO BE ENTITLED

AN ACT

relating to the implementation of health information technology standards.

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

SECTION 1. Title 8, Insurance Code is amended by adding new Subtitle J, Chapter 1660 to read as follows:

Subtitle J. Health Information Technology

Chapter 1660. Electronic Data Exchange

Sec. 1660.001. FINDINGS AND PURPOSE. (a) The Legislature finds that patients deserve accurate instantaneous information about coverage and financial responsibility to make well-informed decisions about their treatment and spending.

(b) The Legislature also finds that the ability of health plan issuers and administrators to exchange eligibility and benefit information with physicians, health care providers, hospitals and patients will ensure a more efficient and effective health care delivery system.

(c) The Legislature also finds that electronic access to eligibility information will reduce the amount of time and resources spent on administrative functions, prevent abuse and fraud, streamline and simplify processing of insurance claims, and increase transparency in premium cost and health care cost.

(d) The Legislature finds that patients often request information about their health care coverage from their health care

1 providers and that health care providers therefore need access to
2 real-time information about their patient's eligibility to receive
3 health care under the health plan, coverage of health care under the
4 health plan, and the benefits associated with the health plan.

5 (e) The Legislature finds that adoption of technology by
6 insurers, health maintenance organizations and health care
7 providers to facilitate use of electronic data exchange standards
8 currently available will make coverage and healthcare electronic
9 transactions more predictable, reliable, and consistent.

10 Sec. 1660.002. APPOINTMENT OF COMMITTEE. The commissioner
11 shall appoint a technical advisory committee on electronic data
12 exchange.

13 Sec. 1660.003. COMMITTEE POWERS AND DUTIES. (a) The
14 technical advisory committee on electronic data exchange shall
15 advise the commissioner on technical aspects of utilizing the
16 federal Health Insurance Portability and Accountability Act of 1996
17 (Pub. L. No. 104-191) transaction standards, adopted by the Centers
18 for Medicare and Medicaid Services and contained in 45 C.F.R. Part
19 162, and the Council for Affordable Quality Healthcare Committee on
20 Operating Rules for Information Exchange rules to require health
21 plan issuers and administrators to provide access to information
22 technology that will enable physicians and other health care
23 providers at the point of service to generate a request for
24 eligibility information that is compliant with the transactions
25 standards.

26 (b) The technical advisory committee shall advise the
27 commissioner on data elements required to be made available by

1 health plan issuers and administrators. To the extent possible,
2 the committee shall utilize the framework adopted under the Council
3 for Affordable Quality Healthcare Committee on Operating Rules for
4 Information Exchange.

5 (c) The committee shall consider the following information:

6 (1) Patient Name;

7 (2) Payor (Insurer);

8 (3) Member ID;

9 (4) Patient date of birth;

10 (5) Name of payor contact person;

11 (6) Payor contact person telephone number;

12 (7) Payor address;

13 (8) Coverage status;

14 (9) Service type;

15 (10) Plan/Product;

16 (11) Coverage effective date;

17 (12) Subscriber name;

18 (13) Subscriber address;

19 (14) Patient relationship to subscriber;

20 (15) Copayment amounts for professional services;

21 (16) Individual deductible amounts for professional
22 services;

23 (17) Family deductible amounts for professional
24 services;

25 (18) Individual deductible amounts for facility
26 services;

27 (19) Family deductible amounts for facility services;

1 (20) Coinsurance amounts for facility services;

2 (21) Copayment amounts for facility services;

3 (22) Pre-certification or prior authorization
4 requirements containment message;

5 (23) Benefit limitations and maximums for
6 professional services;

7 (24) Benefit limitations and maximums for facility
8 services;

9 (25) Policy maximum limits;

10 (26) Patient liability for proposed service; and

11 (27) Health plan coverage amount for proposed service.

12 (d) The technical advisory committee shall:

13 (1) make a recommendation regarding internet website,
14 smartcard or other information technologies that health plan
15 issuers or administrators could provide to facilitate the
16 generation of a request for eligibility information that is
17 compliant with the Health Insurance Portability and Accountability
18 Act of 1996 transaction standards and the Council for Affordable
19 Quality Healthcare Committee on Operating Rules for Information
20 Exchange rules;

21 (2) ensure that the recommendation does not endorse or
22 otherwise confine health plan issuers and administrators to any
23 single product or vendor;

24 (3) recommend a timeframe or timeframes for
25 implementation; and

26 (4) issue a report to the commissioner containing the
27 committee's recommendations for implementation by January 1, 2008.

1 Sec. 1660.004. COMMITTEE MEMBER COMPENSATION. Members of
2 the technical advisory committee serve without compensation.

3 Sec. 1660.005. APPLICABILITY OF CERTAIN LAWS. Section
4 39.003(a) and Chapter 2110, Government Code, do not apply to the
5 technical advisory committee established under this chapter.

6 Sec. 1660.006. RULEMAKING. The commissioner shall adopt
7 rules as necessary to require the implementation and provision of
8 the technology recommended by the technical advisory committee.

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