

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 288
By: Nelson
Health & Human Services
2/25/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Health and Human Services Commission is statutorily required to make efforts to use technology to streamline the Medicaid program and reduce paperwork, but there are no statutes requiring a provider to check electronic health records.

It is dangerous and unsafe for a Medicaid provider to provide services to a patient without checking the patient's medical history.

C.S.S.B. 288 requires a Medicaid provider providing acute care services to review a Medicaid recipient's medication history contained in any electronic health record to which the provider has access before providing care.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services in SECTION 1 (Section 531.0961, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0961, as follows:

Sec. 531.0961. MEDICAID PROVIDER REVIEW OF ELECTRONIC MEDICATION HISTORY. (a) Requires a physician or other health care provider providing acute care services under the state Medicaid program, before providing an acute care service or procedure to a Medicaid recipient, to review the recipient's prescription and nonprescription medication history included in a health passport provided to the recipient under Section 266.006 (Health Passport), Family Code, or any other law; or any other electronic health records maintained under the program with respect to the recipient and to which the provider has access.

(b) Requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules to ensure that each physician or other health care provider providing acute care services under the state Medicaid program complies with this section.

SECTION 2. Requires HHSC, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such waivers or authorizations are granted.

SECTION 3. Effective date: September 1, 2009.