

## **BILL ANALYSIS**

C.S.S.B. 289  
By: Nelson  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Promoting standardized health information technologies will improve the functioning of the Medicaid program and will ensure that any health information technology is interoperable with other health information systems.

C.S.S.B. 289 requires the Health and Human Services Commission to ensure that any health information technology used in the Medicaid program or the children's health insurance program conforms to the standards required under federal law.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 289 amends the Health and Safety Code to define "health information technology" as information technology used to improve the quality, safety, or efficiency of clinical practice, including the core functionalities of an electronic health record, an electronic medical record, a computerized health care provider order entry, electronic prescribing, and clinical decision support technology. The bill requires the Health and Human Services Commission (HHSC) to ensure that any health information technology used by HHSC or any entity acting on behalf of HHSC in the children's health insurance program conforms to standards required under federal law.

C.S.S.B. 289 amends the Human Resources Code to define "health information technology" as information technology used to improve the quality, safety, or efficiency of clinical practice, including the core functionalities of an electronic health record, an electronic medical record, a computerized health care provider order entry, electronic prescribing, and clinical decision support technology. The bill requires HHSC to ensure that any health information technology used by HHSC or any entity acting on behalf of HHSC in the Medicaid program conforms to standards required under federal law.

C.S.S.B. 289 requires a state agency that is affected by a provision of the bill to request a federal waiver or authorization if the agency determines that a waiver or authorization is necessary for the implementation of the provision, and it authorizes the agency to delay implementation until the federal waiver or authorization is obtained.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.S.B. 289 differs from the original by omitting information technology relating to a computerized physician order entry from the meaning of the term "health information technology" as added to both the Human Resources Code and the Health and Safety Code.

C.S.S.B. 289 differs from the original by requiring HHSC to ensure that any health information technology used by HHSC or any entity acting on behalf of HHSC in the Medicaid program and the children's health insurance program conforms to standards required under federal law, whereas the original requires HHSC to ensure that any health information technology used in those programs conforms to the standards adopted by the Healthcare Information Technology Standards Panel sponsored by the American National Standards Institute.