

## **BILL ANALYSIS**

S.B. 1083  
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Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Department of State Health Services (DSHS) handles the duties of the Texas Health Care Information Council, including the collection of hospital inpatient discharge data as authorized by related state law and currently collected by DSHS's Center for Health Statistics. Statutory restrictions do not allow access to confidential data collected, and as a result, cancer and birth defects data cannot be fully utilized by the center or by other DSHS programs, preventing higher quality and more complete information from being collected on a number of conditions in Texas.

S.B. 1083 authorizes access to certain confidential patient data collected by the center, renames the scientific review panel as the institutional review board, and requires the board to determine approval for a request for information with the assistance of the executive commissioner of the Health and Human Services Commission. The bill prohibits access to physician data and the release of or access to personal identifying information outside of DSHS.

### **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**

S.B. 1083 amends the Health and Safety Code to clarify the transfer of powers and duties of the Texas Health Care Information Council to the Department of State Health Services (DSHS) in accordance with Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003. The bill specifies that a reference to the council means the department and makes technical corrections and conforming changes.

S.B. 1083 requires the department to accept data in the format developed by the American National Standards Institute or its successor, rather than the National Uniform Billing Committee and HCFA 1500 or their successors, or other nationally, rather than universally, accepted standardized forms that hospitals and other providers use for other complementary purposes.

S.B. 1083 renames the former council's scientific review board as the institutional review board. The bill authorizes DSHS to disclose data collected by the data collection system that is not included in public use data to any program within DSHS if the disclosure is reviewed and approved by the institutional review board. The bill specifies that confidential data collected by the data collection system that is disclosed to a program within DSHS remains subject to confidentiality provisions and other applicable law. The bill requires DSHS to identify the confidential data that is disclosed to a program and requires the program to maintain the confidentiality of the disclosed confidential data.

S.B. 1083 specifies that certain provisions relating to AIDS tests, the collection and dissemination of provider quality data, the dissemination of public use data and publications, confidential hospital data, and confidential communications between a patient and physician do

not apply to the disclosure of data to a DSHS program. The bill specifies that nothing in the bill authorizes the disclosure of physician identifying data.

S.B. 1083 requires any approval to release information by the institutional review board to require that confidentiality provisions be maintained and that any subsequent use of the information conform to those confidentiality provisions.

S.B. 1083 repeals Section 108.002(5), Health and Safety Code, defining "Texas Health Care Information Council."

**EFFECTIVE DATE**

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