

By: Howard of Travis

H.B. No. 1218

Substitute the following for H.B. No. 1218:

By: Davis of Harris

C.S.H.B. No. 1218

A BILL TO BE ENTITLED

AN ACT

relating to a pilot project to exchange secure electronic health information between the Health and Human Services Commission and local or regional health information exchanges.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02416 to read as follows:

Sec. 531.02416. ELECTRONIC HEALTH INFORMATION EXCHANGE PILOT PROJECT. (a) The commission shall establish a pilot project in at least one urban area of this state to determine the feasibility, costs, and benefits of exchanging secure electronic health information between the commission and local or regional health information exchanges. The pilot project must include the participation of at least two local or regional health information exchanges.

(b) A local or regional health information exchange selected for the pilot project under this section must possess a functioning health information exchange database that exchanges secure electronic health information among hospitals, clinics, physicians' offices, and other health care providers that are not each owned by a single entity or included in a single operational unit or network. The information exchanged by the local or regional health information exchange must include health information for patients receiving services from state and federal health and human

1 services programs administered by the commission.

2 (c) In developing the pilot project under this section, the
3 commission shall:

4 (1) establish specific written guidelines, in
5 conjunction with the health information exchanges participating in
6 the pilot project, to:

7 (A) ensure that information exchanged through
8 the pilot project is used only for the patient's benefit; and

9 (B) specify which health care providers will use
10 which data elements obtained from the commission and for what
11 purposes, including purposes related to reducing costs, improving
12 access, and improving quality of care for patients; and

13 (2) ensure compliance with all state and federal laws
14 and rules related to the transmission of health information,
15 including state privacy laws and the Health Insurance Portability
16 and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and
17 rules adopted under that Act.

18 (d) The commission and the health information exchanges
19 participating in the pilot project shall at a minimum exchange a
20 patient's medication history under the pilot project. The pilot
21 project may include additional health care information, either at
22 the inception of the project or as part of a subsequent expansion of
23 the scope of the project.

24 (e) The commission may accept gifts, grants, and donations
25 from any public or private source for the operation of the pilot
26 project.

27 SECTION 2. Not later than the 60th day after the effective

1 date of this Act, the Health and Human Services Commission shall
2 begin implementing the pilot project established under Section
3 531.02416, Government Code, as added by this Act.

4 SECTION 3. Not later than December 1, 2010, the Health and
5 Human Services Commission shall:

6 (1) assess, in conjunction with the health information
7 exchanges selected for participation in the pilot project
8 established under Section 531.02416, Government Code, as added by
9 this Act, the benefits to the state, patients, and health care
10 providers of exchanging secure health information with local or
11 regional health information exchanges;

12 (2) include, as part of the assessment required by
13 Subdivision (1) of this section, a return on investment analysis
14 for the guidelines developed under Section 531.02416(c)(1),
15 Government Code, as added by this Act; and

16 (3) report the commission's findings to the standing
17 committees of the senate and house of representatives having
18 primary jurisdiction over health and human services issues.

19 SECTION 4. If before implementing any provision of this Act
20 a state agency determines that a waiver or authorization from a
21 federal agency is necessary for implementation of that provision,
22 the agency affected by the provision shall request the waiver or
23 authorization and may delay implementing that provision until the
24 waiver or authorization is granted.

25 SECTION 5. 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

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.