

By: Howard of Travis

H.B. No. 1218

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a pilot project to exchange secure electronic health
3 information between the Health and Human Services Commission and
4 local or regional health information exchanges.

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

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

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

16 (b) A local or regional health information exchange
17 selected for the pilot project under this section must possess a
18 functioning health information exchange database that exchanges
19 secure electronic health information among hospitals, clinics,
20 physicians' offices, and other health care providers that are not
21 each owned by a single entity or included in a single operational
22 unit or network. The information exchanged by the local or regional
23 health information exchange must include health information for
24 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, specifying which health care providers will use
7 which data elements obtained from the commission and for what
8 purposes, including purposes related to reducing costs, improving
9 access, and improving quality of care for patients; and

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

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

21 SECTION 2. Not later than the 60th day after the effective
22 date of this Act, the Health and Human Services Commission shall
23 begin implementing the pilot project established under Section
24 531.02416, Government Code, as added by this Act.

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

27 (1) assess, in conjunction with the health information

1 exchanges selected for participation in the pilot project
2 established under Section 531.02416, Government Code, as added by
3 this Act, the benefits to the state, patients, and health care
4 providers of exchanging secure health information with local or
5 regional health information exchanges;

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

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

13 SECTION 4. If before implementing any provision of this Act
14 a state agency determines that a waiver or authorization from a
15 federal agency is necessary for implementation of that provision,
16 the agency affected by the provision shall request the waiver or
17 authorization and may delay implementing that provision until the
18 waiver or authorization is granted.

19 SECTION 5. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.