

By: Nelson

S.B. No. 286

A BILL TO BE ENTITLED

AN ACT

relating to a health passport for Medicaid recipients.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.096 to read as follows:

Sec. 531.096. HEALTH PASSPORT. (a) The commission, with the assistance of physicians and other health care providers experienced with the use of health information technology or electronic health records, shall develop and provide a health passport for each person who:

(1) is receiving acute care under the state Medicaid program through a managed care plan, as defined by Section 533.001; and

(2) is not provided a health passport under another law of this state.

(a-1) Notwithstanding Subsection (a), the commission is not required to provide a health passport for each person described by that subsection until September 1, 2014. Beginning as soon as feasible after September 1, 2009, the commission shall provide a health passport to each child entitled to a health passport under Subsection (a) or, if initial provision of health passports to all children is impossible, to selected categories of children. Thereafter, at intervals occurring as soon as possible, the commission shall expand the provision of health passports to

1 additional children and finally to adults. This subsection expires
2 September 1, 2014.

3 (b) Information that is accessible through the health
4 passport provided under this section must be maintained in an
5 electronic format that uses the commission's existing computer
6 resources to the greatest extent possible.

7 (c) The executive commissioner shall adopt rules specifying
8 the information required to be included in the health passport. The
9 required information may include:

10 (1) the name and address of each of the person's
11 physicians and health care providers;

12 (2) a record of each visit to a physician or other
13 health care provider, including routine checkups;

14 (3) an immunization record;

15 (4) a list of the person's known health problems and
16 allergies;

17 (5) information on all medications prescribed to the
18 person in adequate detail to permit refills of prescriptions,
19 including the disease or condition that each medication treats; and

20 (6) any other available health history that physicians
21 and other health care providers who provide care for the person
22 determine is important.

23 (d) The system used to access the health passport must be
24 secure and maintain the confidentiality of the person's health
25 records. To the extent that this section authorizes the use or
26 disclosure of protected health information by a covered entity, as
27 those terms are defined by the privacy rule of the Administrative

1 Simplification subtitle of the Health Insurance Portability and
2 Accountability Act of 1996 (Pub. L. No. 104-191) contained in 45
3 C.F.R. Part 160 and 45 C.F.R. Part 164, Subparts A and E, the
4 covered entity shall ensure that the use or disclosure complies
5 with all applicable requirements, standards, or implementation
6 specifications of the privacy rule.

7 (e) The commission shall provide training or instructional
8 materials regarding use of a health passport to adults who receive
9 health passports; parents, guardians, and caretakers of children
10 who receive health passports; and physicians and other health care
11 providers.

12 (f) The commission shall make health passport information
13 available for 90 days in printed and electronic formats to the
14 following individuals when a person loses eligibility for Medicaid,
15 unless the commission is required to provide a health passport
16 under another program:

17 (1) the person, if the person is an adult or a child
18 who has had the disabilities of minority removed; or

19 (2) the person's parent, legal guardian, or other
20 caretaker, if the person is a child.

21 (g) The commission shall coordinate the health passports
22 and procedures adopted for the Medicaid program under this section
23 with the health passport and procedures adopted under Section
24 266.006, Family Code, for a child in the foster care system to
25 ensure that a child's health passport is transferable between the
26 Medicaid program and that system.

27 SECTION 2. Subsection (b), Section 32.102, Human Resources

1 Code, as added by Chapter 268 (S.B. 10), Acts of the 80th
2 Legislature, Regular Session, 2007, is amended to read as follows:

3 (b) If the executive commissioner determines that a need
4 exists for the use of health information technology in the medical
5 assistance program and that the technology is cost-effective, the
6 Health and Human Services Commission may, for the purposes
7 prescribed by Subsection (a):

8 (1) acquire and implement the technology; or

9 (2) evaluate the feasibility of developing and, if
10 feasible, develop, the technology through the use or expansion of
11 other systems or technologies the commission uses for other
12 purposes, including:

13 (A) the technologies used in the pilot program
14 implemented under Section 531.1063, Government Code; and

15 (B) a [the] health passport developed under
16 Section 266.006, Family Code, or Section 531.096, Government Code,
17 for persons receiving medical assistance not provided a health
18 passport under either of those provisions.

19 SECTION 3. 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 4. Except as otherwise provided by this Act, this
26 Act takes effect September 1, 2009.