

1-1 By: Nelson S.B. No. 286
1-2 (In the Senate - Filed November 12, 2008; February 11, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 2, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 March 2, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 286 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a health passport for Medicaid recipients.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 531, Government Code, is
1-13 amended by adding Section 531.096 to read as follows:

1-14 Sec. 531.096. HEALTH PASSPORT. (a) The commission, with
1-15 the assistance of physicians and other health care providers
1-16 experienced with the use of health information technology or
1-17 electronic health records, shall develop and provide a health
1-18 passport for each person who:

1-19 (1) is receiving acute care under the state Medicaid
1-20 program through a managed care plan, as defined by Section 533.001;
1-21 and

1-22 (2) is not provided a health passport under another
1-23 law of this state.

1-24 (a-1) Notwithstanding Subsection (a), the commission is not
1-25 required to provide a health passport for each person described by
1-26 that subsection until September 1, 2014. Beginning as soon as
1-27 feasible after September 1, 2009, the commission shall provide a
1-28 health passport to each child entitled to a health passport under
1-29 Subsection (a) or, if initial provision of health passports to all
1-30 children is impossible, to selected categories of children.
1-31 Thereafter, at intervals occurring as soon as possible, the
1-32 commission shall expand the provision of health passports to
1-33 additional children and finally to adults. This subsection expires
1-34 September 1, 2014.

1-35 (b) Information that is accessible through the health
1-36 passport provided under this section must be maintained in an
1-37 electronic format that uses the commission's existing computer
1-38 resources to the greatest extent possible.

1-39 (c) The executive commissioner shall adopt rules specifying
1-40 the information required to be included in the health passport. The
1-41 required information may include:

1-42 (1) the name and address of each of the person's
1-43 physicians and health care providers;

1-44 (2) a record of each visit to a physician or other
1-45 health care provider, including routine checkups;

1-46 (3) an immunization record;

1-47 (4) a list of the person's known health problems and
1-48 allergies;

1-49 (5) information on all medications prescribed to the
1-50 person in adequate detail to permit refills of prescriptions,
1-51 including the disease or condition that each medication treats; and

1-52 (6) any other available health history that physicians
1-53 and other health care providers who provide care for the person
1-54 determine is important.

1-55 (d) The system used to access the health passport must be
1-56 secure and maintain the confidentiality of the person's health
1-57 records. To the extent that this section authorizes the use or
1-58 disclosure of protected health information by a covered entity, as
1-59 those terms are defined by the privacy rule of the Administrative
1-60 Simplification subtitle of the Health Insurance Portability and
1-61 Accountability Act of 1996 (Pub. L. No. 104-191) contained in 45
1-62 C.F.R. Part 160 and 45 C.F.R. Part 164, Subparts A and E, the
1-63 covered entity shall ensure that the use or disclosure complies

2-1 with all applicable requirements, standards, or implementation
2-2 specifications of the privacy rule.

2-3 (e) The commission shall provide training or instructional
2-4 materials regarding use of a health passport to adults who receive
2-5 health passports; parents, guardians, and caretakers of children
2-6 who receive health passports; and physicians and other health care
2-7 providers.

2-8 (f) The commission shall make health passport information
2-9 available for 90 days in printed and electronic formats to the
2-10 following individuals when a person loses eligibility for Medicaid,
2-11 unless the commission is required to provide a health passport
2-12 under another program:

2-13 (1) the person, if the person is an adult or a child
2-14 who has had the disabilities of minority removed; or

2-15 (2) the person's parent, legal guardian, or other
2-16 caretaker, if the person is a child.

2-17 (g) The commission shall coordinate the health passports
2-18 and procedures adopted for the Medicaid program under this section
2-19 with the health passport and procedures adopted under Section
2-20 266.006, Family Code, for a child in the foster care system to
2-21 ensure that a child's health passport is transferable between the
2-22 Medicaid program and that system.

2-23 SECTION 2. Subsection (b), Section 32.102, Human Resources
2-24 Code, as added by Chapter 268 (S.B. 10), Acts of the 80th
2-25 Legislature, Regular Session, 2007, is amended to read as follows:

2-26 (b) If the executive commissioner determines that a need
2-27 exists for the use of health information technology in the medical
2-28 assistance program and that the technology is cost-effective, the
2-29 Health and Human Services Commission may, for the purposes
2-30 prescribed by Subsection (a):

2-31 (1) acquire and implement the technology; or

2-32 (2) evaluate the feasibility of developing and, if
2-33 feasible, develop, the technology through the use or expansion of
2-34 other systems or technologies the commission uses for other
2-35 purposes, including:

2-36 (A) the technologies used in the pilot program
2-37 implemented under Section 531.1063, Government Code; and

2-38 (B) a ~~the~~ health passport developed under
2-39 Section 266.006, Family Code, or Section 531.096, Government Code,
2-40 for persons receiving medical assistance not provided a health
2-41 passport under either of those provisions.

2-42 SECTION 3. If before implementing any provision of this Act
2-43 a state agency determines that a waiver or authorization from a
2-44 federal agency is necessary for implementation of that provision,
2-45 the agency affected by the provision shall request the waiver or
2-46 authorization and may delay implementing that provision until the
2-47 waiver or authorization is granted.

2-48 SECTION 4. Except as otherwise provided by this Act, this
2-49 Act takes effect September 1, 2009.

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