

1-1 By: Nelson S.B. No. 289
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 favorably by the following vote:
1-5 Yeas 9, Nays 0; March 2, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to ensuring that health information technology used in the
1-9 medical assistance and child health plan programs conforms to
1-10 certain standards.

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

1-12 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
1-13 is amended by adding Section 32.073 to read as follows:

1-14 Sec. 32.073. HEALTH INFORMATION TECHNOLOGY STANDARDS.

1-15 (a) In this section, "health information technology" means
1-16 information technology used to improve the quality, safety, or
1-17 efficiency of clinical practice, including the core
1-18 functionalities of an electronic health record, an electronic
1-19 medical record, a computerized physician or health care provider
1-20 order entry, electronic prescribing, and clinical decision support
1-21 technology.

1-22 (b) The Health and Human Services Commission shall ensure
1-23 that any health information technology used in the medical
1-24 assistance program conforms to the standards adopted by the
1-25 Healthcare Information Technology Standards Panel sponsored by the
1-26 American National Standards Institute.

1-27 SECTION 2. Subchapter B, Chapter 62, Health and Safety
1-28 Code, is amended by adding Section 62.060 to read as follows:

1-29 Sec. 62.060. HEALTH INFORMATION TECHNOLOGY STANDARDS.

1-30 (a) In this section, "health information technology" means
1-31 information technology used to improve the quality, safety, or
1-32 efficiency of clinical practice, including the core
1-33 functionalities of an electronic health record, an electronic
1-34 medical record, a computerized physician or health care provider
1-35 order entry, electronic prescribing, and clinical decision support
1-36 technology.

1-37 (b) The commission shall ensure that any health information
1-38 technology used in the child health plan program conforms to the
1-39 standards adopted by the Healthcare Information Technology
1-40 Standards Panel sponsored by the American National Standards
1-41 Institute.

1-42 SECTION 3. If before implementing any provision of this Act
1-43 a state agency determines that a waiver or authorization from a
1-44 federal agency is necessary for implementation of that provision,
1-45 the agency affected by the provision shall request the waiver or
1-46 authorization and may delay implementing that provision until the
1-47 waiver or authorization is granted.

1-48 SECTION 4. This Act takes effect immediately if it receives
1-49 a vote of two-thirds of all the members elected to each house, as
1-50 provided by Section 39, Article III, Texas Constitution. If this
1-51 Act does not receive the vote necessary for immediate effect, this
1-52 Act takes effect September 1, 2009.

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