

BILL ANALYSIS

C.S.H.B. 2459
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Certain health care facilities are required to collect certain data from patients and submit it to the Texas Health Care Information Council within a certain period. Certain nonidentifying data may then be provided or sold to other entities. Interested parties contend that patients are currently not required to be notified of this program. C.S.H.B. 2459, among other provisions, intends to authorize health care providers to opt out of the data collection program and seeks to make patients and the public aware of the various elements of the data collection program.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 1 and 3 of this bill.

ANALYSIS

C.S.H.B. 2459 amends the Health and Safety Code to authorize a provider, defined in statute as a physician or health care facility, to elect not to participate in the data collection program implemented by the Texas Health Care Information Council. The bill requires the executive commissioner of the Health and Human Services Commission, not later than December 31, 2011, by rule to establish procedures for making that election.

C.S.H.B. 2459 removes language that restricts a provision of law that authorizes a hospital to provide the data required by the data collection program to a hospital that is exempt from state franchise, sales, property, or other state or local taxes and does not seek or receive reimbursement for providing health care services to patients from any source, including the patient or any person legally obligated to support the patient; a third-party payor; or Medicaid, Medicare, or any other federal, state, or local program for indigent health care.

C.S.H.B. 2459 requires a provider who submits data under the data collection program to provide notice to the provider's patients that the provider submits data as required by provisions relating to the data collection program and the data is authorized to be sold or distributed to third parties. The bill requires the Department of State Health Services to post on its Internet website a list of each entity that purchases or receives data collected under the data collection program.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2459 contains a provision not included in the original removing language that restricts a provision of law that authorizes a hospital to provide the data required by the data collection program to a hospital that is exempt from state franchise, sales, property, or other state or local taxes and does not seek or receive reimbursement for providing health care services to patients

from any source, including the patient or any person legally obligated to support the patient; a third-party payor; or Medicaid, Medicare, or any other federal, state, or local program for indigent health care.