

## **BILL ANALYSIS**

S.B. 156  
By: Huffman  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Recent legislation transferred the powers and duties of the Texas Health Care Information Council, including the collection of hospital inpatient discharge data, to the Department of State Health Services (DSHS). This discharge data is currently being collected by DSHS's center for health statistics. Current law does not allow DSHS to disclose certain confidential data collected by DSHS for use by its programs. Allowing DSHS programs to access certain data that has had identifying information removed can improve the quality of health data and enable further research, study, and surveillance of certain health conditions, including cancer and birth defects.

S.B. 156 accounts for the transfer of duties from the Texas Health Care Information Council to the Department of State Health Services, establishes an institutional review board to review and approve requests for access to certain data maintained by DSHS, and authorizes DSHS to disclose certain health data with approval of the review board.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

S.B. 156 amends the Health and Safety Code to account for the transfer of duties from the Texas Health Care Information Council to the Department of State Health Services (DSHS) and transfers rulemaking authority from the council to the executive commissioner of the Health and Human Services Commission in accordance with Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003. The bill requires DSHS to receive health care data in the format developed by the American National Standards Institute or its successor, rather than the National Uniform Billing Committee (Uniform Hospital Billing Form UB 92) and HCFA-1500. The bill requires DSHS to establish an institutional review board, rather than a scientific review panel, to review and approve requests for access to data not contained in public use data. The bill requires any approval to release data not contained in public use data to require that the confidentiality provisions relating to the collection of health care data by DSHS be maintained and that any subsequent use of the information conform to those confidentiality provisions.

S.B. 156 authorizes DSHS to provide certain confidential information to the Health and Human Services Commission or a health and human services agency, provided that the receiving agency has appropriate controls in place to ensure the confidentiality of any personal information contained in the information shared by DSHS and subjects disclosure of the provided information to the confidentiality provisions and criminal penalties of provisions of law relating to confidential hospital data, the confidentiality of test results for AIDS and related disorders, and physician-patient confidential communications. The bill removes language prohibiting DSHS from providing such confidential information to any other agency of this state. The bill authorizes DSHS to disclose health care data collected by the department that is not included in public use data to any program within DSHS if the disclosure is reviewed and approved by the institutional review board. The bill establishes that confidential data that is disclosed to a program within DSHS remains subject to the confidentiality provisions relating to DSHS and other applicable law. The bill requires DSHS to identify the confidential data that is disclosed to a program and requires such a program to maintain the confidentiality of the disclosed confidential data. The bill specifies that provisions relating to the confidentiality of test results for AIDS and related disorders, collection and dissemination of provider quality data, public use data requested about a specific provider, the review and comment period required to be provided for a report issued by DSHS containing certain information relating to public use data, confidential hospital data, and physician-patient confidential communications do not apply to the disclosure of data to a DSHS program. The bill specifies that nothing in its provisions authorizes the disclosure of physician identifying data.

S.B. 156 redefines "department" and defines "executive commissioner." The bill makes conforming and nonsubstantive changes.

S.B. 156 repeals Section 108.002(5), Health and Safety Code, defining "council" as the Texas Health Care Information Council.

#### **EFFECTIVE DATE**

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