

By: King of Taylor, Schwertner, Laubenberg

H.B. No. 2459

Substitute the following for H.B. No. 2459:

By: Kolkhorst

C.S.H.B. No. 2459

A BILL TO BE ENTITLED

AN ACT

relating to health care information submitted to the Department of State Health Services.

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

SECTION 1. Section 108.009, Health and Safety Code, is amended by amending Subsections (a) and (c) and adding Subsection (d-1) to read as follows:

(a) The council may collect, and, except as provided by Subsections (c), ~~and~~ (d), and (d-1), providers shall submit to the council or another entity as determined by the council, all data required by this section. The data shall be collected according to uniform submission formats, coding systems, and other technical specifications necessary to make the incoming data substantially valid, consistent, compatible, and manageable using electronic data processing, if available.

(c) A rural provider or a hospital may, but is not required to, provide the data required by this chapter. ~~[A hospital may, but is not required to, provide the data required by this chapter if the hospital:~~

~~[(1) is exempt from state franchise, sales, and valorem, or other state or local taxes, and~~

~~[(2) does not seek or receive reimbursement for providing health care services to patients from any source, including:~~

1 ~~[(A) the patient or any person legally obligated~~
2 ~~to support the patient,~~

3 ~~[(B) a third-party payor, or~~

4 ~~[(C) Medicaid, Medicare, or any other federal,~~
5 ~~state, or local program for indigent health care.]~~

6 (d-1) A provider may elect not to participate in the data
7 collection program under Subsection (a). The executive
8 commissioner of the Health and Human Services Commission by rule
9 shall establish procedures for making the election authorized by
10 this subsection.

11 SECTION 2. Chapter 108, Health and Safety Code, is amended
12 by adding Section 108.0131 to read as follows:

13 Sec. 108.0131. NOTICE REQUIRED. (a) A provider who submits
14 data under Section 108.009 shall provide notice to the provider's
15 patients that:

16 (1) the provider submits data as required by this
17 chapter; and

18 (2) the data may be sold or distributed to third
19 parties.

20 (b) The department shall post on the department's Internet
21 website a list of each entity that purchases or receives data
22 collected under this chapter.

23 SECTION 3. Not later than December 31, 2011, the executive
24 commissioner of the Health and Human Services Commission shall
25 adopt rules as required by Section 108.009(d-1), Health and Safety
26 Code, as added by this Act, establishing procedures to allow health
27 care providers to make the election authorized by that subsection.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.