

By: King of Taylor

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 Subsection (a) 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.

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

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

Sec. 108.0131. NOTICE REQUIRED. (a) A provider who submits data under Section 108.009 shall provide notice to the provider's

1 patients that:

2 (1) the provider submits data as required by this
3 chapter; and

4 (2) the data may be sold or distributed to third
5 parties.

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

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

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