

BILL ANALYSIS

C.S.H.B. 1394
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Numerous efforts have been made by the legislature to collect and publicly report health care data and prices to the general public, including the establishment of the Texas Health Care Information Council to develop a statewide health care data collection system to collect certain information relating to health care charges, utilization data, provider quality data, and outcome data. The council later was abolished and its functions were transferred to the Department of State Health Services (DSHS). Subsequent legislation directed DSHS to make a consumer guide to health care available on the department's website that includes information about the quality and costs of certain health care services and to collect and disseminate information relating to health benefit plans.

Considering these recent efforts, C.S.H.B. 1394 intends to provide for a reevaluation of the current mission of DSHS in collecting health care data, the usefulness of that data to consumers, and the privacy standards of that data.

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

C.S.H.B. 1394 amends the Health and Safety Code to add temporary provisions, set to expire September 1, 2015, to require the Sunset Advisory Commission, in its review of the Department of State Health Services (DSHS), to review the powers and duties exercised by DSHS under statutory provisions relating to the Texas Health Care Information Council and to determine whether DSHS, under those provisions, is achieving the legislature's intent of empowering consumers with information to make informed health care decisions, maintaining appropriate privacy and security standards for patient information, and limiting the patient information DSHS collects to the information necessary for performing the department's duties with respect to the Texas Health Care Information Council. The bill requires the commission to report its findings to the legislature in the report on the reviewed agencies and advisory committees that the commission is required to present to the legislature and the governor at each legislative session.

C.S.H.B. 1394 establishes that, after the review by the commission and unless continued in existence as provided by the Texas Sunset Act, provisions relating to the Texas Health Care Information Council expire September 1, 2015.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1394 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 11.003, Health and Safety Code, is amended to read as follows:
Sec. 11.003.

SUNSET PROVISION. (a) The Texas Board of Health and the Texas Department of Health were abolished by Section 1.26, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, and the powers and duties of those entities under this chapter were transferred to other agencies, which are subject to Chapter 325, Government Code (Texas Sunset Act). Unless the agencies to which those powers and duties are transferred are continued in existence as provided by that chapter, this chapter expires September 1, 2015.

(b) In the review of the Department of State Health Services by the Sunset Advisory Commission, as required by this section and Section 1001.003, the sunset commission shall review the powers and duties exercised by the department under Chapter 108 and determine whether the department, under that chapter, is:

- (1) achieving the legislature's intent of empowering consumers with information to make informed health care decisions; and
- (2) maintaining appropriate privacy and security standards for patient information.

(c) In the review under Subsection (b), the Sunset Advisory Commission shall investigate whether the level of identifiable patient information maintained by the Department of State Health Services is necessary to achieve the statutory purpose of Chapter 108, including whether the department is required by that chapter to collect and retain social security numbers, dates of birth, and address information.

(d) The Sunset Advisory Commission shall report its findings to the legislature not later

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 11.003, Health and Safety Code, is amended to read as follows:
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SUNSET PROVISION. (a) The Texas Board of Health and the Texas Department of Health were abolished by Section 1.26, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, and the powers and duties of those entities under this chapter were transferred to other agencies, which are subject to Chapter 325, Government Code (Texas Sunset Act). Unless the agencies to which those powers and duties are transferred are continued in existence as provided by that chapter, this chapter expires September 1, 2015.

(b) In the review of the Department of State Health Services by the Sunset Advisory Commission, as required by this section and Section 1001.003, the sunset commission shall review the powers and duties exercised by the department under Chapter 108 and determine whether the department, under that chapter, is:

- (1) achieving the legislature's intent of empowering consumers with information to make informed health care decisions;
- (2) maintaining appropriate privacy and security standards for patient information; and
- (3) limiting the patient information the department collects to the information necessary for performing the department's duties under Chapter 108.

(c) The Sunset Advisory Commission shall report its findings to the legislature in the

than December 31, 2014. This subsection and Subsections (b) and (c) expire September 1, 2015.

SECTION 2. Chapter 108, Health and Safety Code, is amended by adding Section 108.016 to read as follows:

Sec. 108.016. SUNSET REVIEW. Unless continued in existence in accordance with Chapter 325, Government Code (Texas Sunset Act), after the review required by Section 11.003(b), this chapter expires September 1, 2015.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

report required by Section 325.010, Government Code. This subsection and Subsection (b) expire September 1, 2015.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.