

BILL ANALYSIS

C.S.S.B. 166
By: Deuell
Technology
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas hospitals are currently permitted to use the electronic strip on a patient's driver's license to facilitate the patient's admission into their facilities; however, physicians and other health care providers are prohibited from this practice. Interested parties report that substantial resources have been expended at both the federal and state levels to develop and use electronic medical records, yet patients and providers are often still faced with paper systems during the check-in process.

The parties contend that health care providers should have the same ability as hospitals to use the electronic strip on a driver's license as a tool for admission, as it provides both the patient and provider with a better and more efficient method of maintaining medical records. C.S.S.B. 166 seeks to improve and streamline patients' access to their health care provider and to increase medical record efficiency and accuracy for health care providers, while maintaining the state and federal regulations currently governing health care providers with respect to privacy or data protection.

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.S.B. 166 amends the Transportation Code to exempt a health care provider from the prohibition against accessing, using, or compiling or maintaining a database of electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate. The bill applies statutory provisions regarding the use and transfer of such information by a hospital to a health care provider and the limitations on the use of such information by a hospital's business associate to a health care provider's business associate.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 166 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED				HOUSE COMMITTEE SUBSTITUTE			
SECTION	1.	Section	521.126,	SECTION	1.	Section	521.126,

Transportation Code, is amended by amending Subsections (i), (j), and (k) and adding Subsection (l) to read as follows:

(i) The prohibition provided by Subsection (b) does not apply to a health care provider or hospital that accesses, uses, compiles, or maintains a database of the information to provide health care services to the individual who holds the driver's license, commercial driver's license, or personal identification certificate.

(j) Except as otherwise provided by this subsection, a health care provider or hospital may not sell, transfer, or otherwise disseminate the information described by Subsection (i) to a third party for any purpose, including any marketing, advertising, or promotional activities. A health care provider or hospital that obtains information described by Subsection (i) may transfer the information only in accordance with the rules implementing the federal Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191). A business associate, and any subcontractor of the business associate who receives the transferred information, may use the information only to service or maintain the health care provider's or hospital's database of the information.

(k) If an individual objects to the health care provider or hospital collecting the individual's information from the individual's driver's license as described by Subsection (i), the health care provider or hospital must use an alternative method for collecting the individual's information.

(l) In this section, "health care provider" means an individual or facility licensed, certified, or otherwise authorized by the law of this state to provide or administer health care, for profit or otherwise, in the ordinary course of business or professional practice, including a physician, nurse, dentist, podiatrist, pharmacist, chiropractor, therapeutic optometrist, ambulatory surgical center, and nursing home, and emergency medical services personnel as defined by Section 773.003, Health and Safety Code.

SECTION 2. This Act takes effect September 1, 2013.

Transportation Code, is amended by amending Subsections (i), (j), and (k) and adding Subsection (l) to read as follows:

(i) The prohibition provided by Subsection (b) does not apply to a health care provider or hospital that accesses, uses, compiles, or maintains a database of the information to provide health care services to the individual who holds the driver's license, commercial driver's license, or personal identification certificate.

(j) Except as otherwise provided by this subsection, a health care provider or hospital may not sell, transfer, or otherwise disseminate the information described by Subsection (i) to a third party for any purpose, including any marketing, advertising, or promotional activities. A health care provider or hospital that obtains information described by Subsection (i) may transfer the information only in accordance with the rules implementing the federal Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191). A business associate, and any subcontractor of the business associate who receives the transferred information, may use the information only to service or maintain the health care provider's or hospital's database of the information.

(k) If an individual objects to the health care provider or hospital collecting the individual's information from the individual's driver's license as described by Subsection (i), the health care provider or hospital must use an alternative method for collecting the individual's information.

(l) In this section, "health care provider" means an individual or facility licensed, certified, or otherwise authorized by the law of this state to provide or administer health care, for profit or otherwise, in the ordinary course of business or professional practice, including a physician, nurse, dentist, podiatrist, pharmacist, chiropractor, therapeutic optometrist, ambulatory surgical center, **urgent care facility, nursing home, home and community support services agency,** and emergency medical services personnel as defined by Section 773.003, Health and Safety Code.

SECTION 2. Same as engrossed version.