

BILL ANALYSIS

S.B. 1609
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent legislation enhanced the protection of personal health information in Texas. Unfortunately, it has been reported that certain provisions of this legislation have resulted in unintended burdens on covered entities. S.B. 1609 seeks to address this issue by offering targeted solutions designed to maintain the strength of state privacy protections, while allowing more flexibility in the completion of certain training requirements.

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

S.B. 1609 amends the Health and Safety Code to require each covered entity under statutory provisions relating to medical records privacy to provide training to employees of the covered entity regarding the state and federal law concerning protected health information as necessary and appropriate for the employees to carry out the employees' duties for the covered entities, rather than requiring each covered entity to provide a training program to such employees regarding such law as it relates to the covered entity's particular course of business and each employee's scope of employment. The bill lengthens the deadline by which an employee of a covered entity is required to complete the training from not later than the 60th day to not later than the 90th day after the date an employee is hired by a covered entity.

S.B. 1609 removes a requirement that an employee of a covered entity receive the required training at least once every two years and instead requires such an employee, if the duties of the employee are affected by a material change in state or federal law concerning protected health information, to receive the required training within a reasonable period, but not later than the first anniversary of the date the material change in law takes effect. The bill specifies that a covered entity is required to maintain an employee's signed training verification statement until the sixth anniversary of the date the statement is signed.

EFFECTIVE DATE

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