

By: Larson

H.B. No. 395

A BILL TO BE ENTITLED

AN ACT

relating to the use by certain health care providers of electronically readable information from a driver's license or personal identification certificate.

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

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

1 receives the transferred information, may use the information only
2 to service or maintain the health care provider's or hospital's
3 database of the information.

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

9 (l) In this section, "health care provider" means an
10 individual or facility licensed, certified, or otherwise
11 authorized by the law of this state to provide or administer health
12 care, for profit or otherwise, in the ordinary course of business or
13 professional practice, including a physician, nurse, dentist,
14 podiatrist, pharmacist, chiropractor, therapeutic optometrist,
15 ambulatory surgical center, and nursing home.

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