

By: King of Taylor

H.B. No. 1394

A BILL TO BE ENTITLED

AN ACT

relating to the sunset review of certain powers and duties performed by the Department of State Health Services.

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

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

1 standards for patient information.

2 (c) In the review under Subsection (b), the Sunset Advisory  
3 Commission shall investigate whether the level of identifiable  
4 patient information maintained by the Department of State Health  
5 Services is necessary to achieve the statutory purpose of Chapter  
6 108, including whether the department is required by that chapter  
7 to collect and retain social security numbers, dates of birth, and  
8 address information.

9 (d) The Sunset Advisory Commission shall report its  
10 findings to the legislature not later than December 31, 2014. This  
11 subsection and Subsections (b) and (c) expire September 1, 2015.

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

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

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