

By: King of Taylor, Laubenberg, Simpson,
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H.B. No. 764

A BILL TO BE ENTITLED

AN ACT

relating to the use, collection, and security of health care data
collected by the Department of State Health Services.

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

SECTION 1. Section 108.009, Health and Safety Code, is
amended by adding Subsection (c) to read as follows:

(c) The department or another entity as determined by the
department to collect data from a provider under Subsection (a)
shall maintain a database that does not include identifying
information for use as authorized by law, including this chapter.

SECTION 2. Chapter 108, Health and Safety Code, is amended
by adding Section 108.0095 to read as follows:

Sec. 108.0095. NOTIFICATION OF DATA COLLECTION. (a) A
provider shall provide to a patient whose data is being collected
under this chapter written notice on a form prescribed by the
department of the collection of the patient's data for health care
purposes.

(b) The notice provided under this section must include the
name of the agency or entity receiving the data and of an individual
within the agency or entity whom the patient may contact regarding
the collection of data.

(c) The department shall include the notice required under
this section on an existing department form and make the form
available on the department's Internet website.

1 SECTION 3. Section 108.011(d), Health and Safety Code, as
2 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
3 2015, is amended to read as follows:

4 (d) The executive commissioner shall adopt procedures to
5 establish the accuracy and consistency of the public use data
6 before releasing the public use data to the public. The department
7 may adopt additional procedures as the department determines
8 necessary. The procedures adopted under this subsection must meet
9 available best practices and national standards for public research
10 on and consumer use of health care data collected by governmental
11 agencies.

12 SECTION 4. Section 108.013(a), Health and Safety Code, as
13 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
14 2015, is amended to read as follows:

15 (a) The data received by the department under this chapter
16 shall be used by the department and commission only for the benefit
17 of the public. Subject to specific limitations established by this
18 chapter and department rule, the department shall make
19 determinations on requests for information in favor of access.

20 SECTION 5. Chapter 108, Health and Safety Code, is amended
21 by adding Section 108.0132 to read as follows:

22 Sec. 108.0132. PROHIBITED CHARGE TO CERTAIN STATE AGENCIES
23 FOR DATA. The department may not charge a fee to the commission or
24 any other health and human services agency for the use of any data
25 collected under this chapter.

26 SECTION 6. Chapter 108, Health and Safety Code, is amended
27 by adding Section 108.0136 to read as follows:

1 Sec. 108.0136. REPORT; NOTIFICATION OF CYBER ATTACK. (a)

2 The department shall prepare for the commissioner an annual report
3 describing the security measures taken to protect data collected
4 under this chapter and any breaches, attempted cyber attacks, and
5 security issues related to the data that are encountered during the
6 calendar year.

7 (b) The report described by this section is not subject to
8 Chapter 552, Government Code, but may be released on request to a
9 member of the legislature.

10 (c) If a cyber attack occurs targeting data collected under
11 this chapter, the department shall notify the Department of Public
12 Safety of the State of Texas and the Federal Bureau of Investigation
13 of the attack.

14 SECTION 7. This Act takes effect September 1, 2015.