

By: King of Taylor

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 amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The council may collect, and, except as provided by Subsection [~~Subsections (c) and~~] (d), providers shall submit to the council or another entity as determined by the council, all data required by this section. The data shall be collected according to uniform submission formats, coding systems, and other technical specifications necessary to make the incoming data substantially valid, consistent, compatible, and manageable using electronic data processing, if available.

(c) The council or another entity as determined by the council to collect data from a provider under Subsection (a) shall remove all sensitive identifying information, including social security numbers and birth dates, from the collected data.

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

1 department of the collection of the patient's data for health care
2 purposes.

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

7 (c) The department shall develop a form for the notice
8 required under this section and make the form available on the
9 department's Internet website.

10 SECTION 3. Section 108.011(d), Health and Safety Code, is
11 amended to read as follows:

12 (d) The council shall adopt procedures to establish the
13 accuracy and consistency of the public use data before releasing
14 the public use data to the public. The procedures must meet best
15 practices and national standards for public research on and
16 consumer use of health care data collected by governmental
17 agencies.

18 SECTION 4. Section 108.013(a), Health and Safety Code, is
19 amended to read as follows:

20 (a) The data received by the department under this chapter
21 shall only be used by the department and commission for the benefit
22 of the public. Subject to specific limitations established by this
23 chapter and executive commissioner rule, the department shall make
24 determinations on requests for information in favor of access.

25 SECTION 5. Section 108.0131, Health and Safety Code, is
26 amended to read as follows:

27 Sec. 108.0131. LIST OF [~~PURCHASERS OR~~] RECIPIENTS OF

1 DATA. The department shall post on the department's Internet
2 website a list of each entity that [~~purchases or~~] receives data
3 collected under this chapter.

4 SECTION 6. Chapter 108, Health and Safety Code, is amended
5 by adding Sections 108.0132 and 108.0136 to read as follows:

6 Sec. 108.0132. PROHIBITED SALE OF DATA. The department may
7 not sell any data collected under this chapter.

8 Sec. 108.0136. REPORT; NOTIFICATION OF CYBER ATTACK. (a)
9 The department shall prepare for the commissioner an annual report
10 describing the security measures taken to protect data collected
11 under this chapter and any breaches, attempted cyber attacks, and
12 security issues related to the data that are encountered during the
13 calendar year.

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

17 (c) If a cyber attack occurs targeting data collected under
18 this chapter, the department shall notify the Department of Public
19 Safety of the State of Texas and the Federal Bureau of Investigation
20 of the attack.

21 SECTION 7. Not later than January 1, 2016, the Department of
22 State Health Services shall develop a transition plan to prohibit
23 the sale of data collected under Chapter 108, Health and Safety
24 Code, as amended by this Act.

25 SECTION 8. (a) Except as provided by Subsection (b) of this
26 section, this Act takes effect September 1, 2015.

27 (b) Section 108.0131, Health and Safety Code, as amended by

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1 this Act, and Section 108.0132, Health and Safety Code, as added by
2 this Act, take effect September 1, 2017.