

By: Zerwas

H.B. No. 2641

A BILL TO BE ENTITLED

AN ACT

relating to the exchange of electronic health information in this state.

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

SECTION 1. Section 531.0162, Government Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) The executive commissioner shall ensure that:

(1) all information systems available for use by the commission or a health and human services agency in sending protected health information to a health care provider or receiving protected health information from a health care provider, and for which planning or procurement begins on or after September 1, 2015, are capable of sending or receiving that information in accordance with the applicable data exchange standards developed by the appropriate standards development organization accredited by the American National Standards Institute;

(2) if national data exchange standards do not exist for a system described by Subdivision (1), the commission makes every effort to ensure the system is interoperable with the national standards for electronic health record systems; and

(3) the commission and each health and human services agency establish an interoperability standards plan for all information systems that exchange protected health information with health care providers.

1       (f) Not later than December 1 of each even-numbered year,  
2 the executive commissioner shall report to the governor and the  
3 Legislative Budget Board on the commission's and the health and  
4 human services agencies' progress in ensuring that the information  
5 systems described in Subsection (e) are interoperable with one  
6 another and meet the appropriate standards specified by that  
7 subsection.

8       SECTION 2. Section 81.044(a), Health and Safety Code, is  
9 amended to read as follows:

10       (a) The board shall prescribe the form and method of  
11 reporting under this chapter, which may be in writing, by  
12 telephone, by electronic data transmission, through a health  
13 information exchange as defined by Section 182.151 if requested and  
14 authorized by the person required to report, or by other means.

15       SECTION 3. Section 82.008(a), Health and Safety Code, is  
16 amended to read as follows:

17       (a) To ensure an accurate and continuing source of data  
18 concerning cancer, each health care facility, clinical laboratory,  
19 and health care practitioner shall furnish to the department [~~board~~  
20 ~~or its representative~~], on request, data the board considers  
21 necessary and appropriate that is derived from each medical record  
22 pertaining to a case of cancer that is in the custody or under the  
23 control of the health care facility, clinical laboratory, or health  
24 care practitioner. The department may not request data that is more  
25 than three years old unless the department is investigating a  
26 possible cancer cluster. At the request and with the authorization  
27 of the applicable health care facility, clinical laboratory, or

1 health care practitioner, data may be furnished to the department  
2 through a health information exchange as defined by Section  
3 182.151.

4 SECTION 4. Section 161.007(d), Health and Safety Code, is  
5 amended to read as follows:

6 (d) A health care provider who administers an immunization  
7 to an individual younger than 18 years of age shall provide data  
8 elements regarding an immunization to the department. A health care  
9 provider who administers an immunization to an individual 18 years  
10 of age or older may submit data elements regarding an immunization  
11 to the department. At the request and with the authorization of the  
12 health care provider, the data elements may be provided through a  
13 health information exchange as defined by Section 182.151. The data  
14 elements shall be submitted in a format prescribed by the  
15 department. The department shall verify consent before including  
16 the information in the immunization registry. The department may  
17 not retain individually identifiable information about an  
18 individual for whom consent cannot be verified.

19 SECTION 5. Section 161.00705(a), Health and Safety Code, is  
20 amended to read as follows:

21 (a) The department shall maintain a registry of persons who  
22 receive an immunization, antiviral, and other medication  
23 administered to prepare for a potential disaster, public health  
24 emergency, terrorist attack, hostile military or paramilitary  
25 action, or extraordinary law enforcement emergency or in response  
26 to a declared disaster, public health emergency, terrorist attack,  
27 hostile military or paramilitary action, or extraordinary law

1 enforcement emergency. A health care provider who administers an  
2 immunization, antiviral, or other medication shall provide the data  
3 elements to the department. At the request and with the  
4 authorization of the health care provider, the data elements may be  
5 provided through a health information exchange as defined by  
6 Section 182.151.

7 SECTION 6. Section 161.00706(b), Health and Safety Code, is  
8 amended to read as follows:

9 (b) A health care provider, on receipt of a request under  
10 Subsection (a)(1), shall submit the data elements to the department  
11 in a format prescribed by the department. At the request and with  
12 the authorization of the health care provider, the data elements  
13 may be submitted through a health information exchange as defined  
14 by Section 182.151. The department shall verify the person's  
15 request before including the information in the immunization  
16 registry.

17 SECTION 7. Chapter 182, Health and Safety Code, is amended  
18 by adding Subchapter D to read as follows:

19 SUBCHAPTER D. HEALTH INFORMATION EXCHANGES

20 Sec. 182.151. DEFINITION. In this subchapter, "health  
21 information exchange" means an organization that:

22 (1) assists in the transmission or receipt of  
23 health-related information among organizations transmitting or  
24 receiving the information according to nationally recognized  
25 standards and under an express written agreement with the  
26 organizations;

27 (2) as a primary business function, compiles or

1 organizes health-related information designed to be securely  
2 transmitted by the organization among physicians, other health care  
3 providers, or entities within a region, state, community, or  
4 hospital system; or

5 (3) assists in the transmission or receipt of  
6 electronic health-related information among physicians, other  
7 health care providers, or entities within:

8 (A) a hospital system;

9 (B) a physician organization;

10 (C) a health care collaborative, as defined by  
11 Section 848.001, Insurance Code;

12 (D) a Pioneer Model accountable care  
13 organization established under the initiative by the Centers for  
14 Medicare and Medicaid Services Innovation Center; or

15 (E) an accountable care organization  
16 participating in the Medicare Shared Savings Program under 42  
17 U.S.C. Section 1395jjj.

18 Sec. 182.152. AUTHORITY OF HEALTH INFORMATION EXCHANGE.

19 (a) Notwithstanding Sections 81.046, 82.009, and 161.0073, a  
20 health information exchange may access and transmit health-related  
21 information under Sections 81.044(a), 82.008(a), 161.007(d),  
22 161.00705(a), and 161.00706(b) if the access or transmittal is:

23 (1) made for the purpose of assisting in the reporting  
24 of health-related information to the appropriate agency;

25 (2) requested and authorized by the appropriate health  
26 care provider, practitioner, physician, facility, clinical  
27 laboratory, or other person who is required to report

1 health-related information; and

2 (3) made in accordance with the requirements of this  
3 subchapter and all other state and federal law.

4 (b) A health information exchange may only use and disclose  
5 the information that it accesses or transmits under Subsection (a)  
6 in compliance with this subchapter and all applicable state and  
7 federal law, and may not exchange, sell, trade, or otherwise make  
8 any prohibited use or disclosure of the information.

9 Sec. 182.153. COMPLIANCE WITH LAW; SECURITY. A health  
10 information exchange that collects, transmits, disseminates,  
11 accesses, or reports health-related information under this  
12 subchapter shall comply with all applicable state and federal law,  
13 including secure electronic data submission requirements.

14 SECTION 8. This Act takes effect September 1, 2015.