

By: Price

H.B. No. 2896

A BILL TO BE ENTITLED

AN ACT

relating to an annual report on laws regarding access, use, and sharing of protected health information.

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

SECTION 1. Subchapter C, Chapter 181, Health and Safety Code, is amended by adding Section 181.105 to read as follows:

Sec. 181.105. ANNUAL REPORT ON PROTECTED HEALTH INFORMATION LAWS. (a) The commission shall prepare an annual report that reviews and provides clarification of state and federal laws regarding access, use, and sharing of protected health information for covered entities and consumers.

(b) The annual report under Subsection (a) must contain:

(1) the least restrictive legal interpretation, as determined by the commission, relating to:

(A) integrated health care information;

(B) protection of and communication regarding substance use disorder patient records under 42 C.F.R. Part 2;

(C) mental health progress notes, process notes, and treatment plans;

(D) child health information;

(E) minimum information required for streamlined consent processes;

(F) permission-based storage and viewing processes;

1 (G) transparency and parity issues regarding
2 medical record components and benefit verifications;

3 (H) standards for deidentifying personal patient
4 information;

5 (I) differences provided in rules for request and
6 exchange methods for paper and electronic records; and

7 (J) items related to the designated record set,
8 including care coordination, benefits verification, and financial
9 information;

10 (2) an explanation of the most common provider and
11 consumer misperceptions of the law;

12 (3) current information-sharing strategies and
13 initiatives across this state; and

14 (4) recommendations to improve or streamline access,
15 use, and information-sharing rules and processes.

16 (c) The executive commissioner shall review the
17 commission's recommendations in the annual report and shall adopt
18 by rule acceptable recommendations.

19 SECTION 2. Not later than September 1, 2018, the Health and
20 Human Services Commission shall publish the initial report required
21 by Section 181.105, Health and Safety Code, as added by this Act.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2017.