

By: White

H.B. No. 94

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a COVID-19 health information clearinghouse.

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

SECTION 1. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 108A to read as follows:

CHAPTER 108A. COVID-19 HEALTH INFORMATION CLEARINGHOUSE

Sec. 108A.001. DEFINITIONS. In this chapter:

(1) "Clearinghouse" means the COVID-19 health information clearinghouse established under this chapter.

(2) "COVID-19" means the 2019 novel coronavirus disease.

(3) "Division" means the Texas Division of Emergency Management.

(4) "Health care provider" means a health facility licensed to provide health care services in this state or a health care practitioner licensed in this state.

Sec. 108A.002. ESTABLISHMENT OF CLEARINGHOUSE. (a) The department, in collaboration with the commission, division, and members of the medical community in this state, shall establish a COVID-19 health information clearinghouse to serve as a central repository of COVID-19 health information.

(b) The department shall administer the clearinghouse by maintaining an Internet portal accessible through the department's

1 Internet website that allows health care providers to submit and
2 the public to access health information related to COVID-19.

3 (c) In establishing the clearinghouse, the department,
4 commission, and division shall develop and implement guidelines to
5 ensure that each health care provider submits relevant COVID-19
6 health information through the Internet portal in a manner and at
7 times determined appropriate by those agencies to ensure the
8 clearinghouse maintains accurate and current information on
9 COVID-19. The clearinghouse at a minimum must include information
10 on:

11 (1) the total number of individuals who are vaccinated
12 against COVID-19 in this state, including the total number of
13 individuals who are fully immunized against COVID-19;

14 (2) the total number and percentage of individuals
15 who:

16 (A) have obtained at least one dose of a COVID-19
17 vaccine;

18 (B) are fully immunized against COVID-19 after
19 obtaining all medically recommended doses of the vaccine;

20 (C) have tested positive for COVID-19; and

21 (D) are hospitalized in this state for COVID-19;

22 (3) the total number and percentage of deaths in this
23 state of individuals who were vaccinated against COVID-19 and for
24 which COVID-19 was determined to be the cause of or a contributing
25 factor to death; and

26 (4) subject to Subsection (f), relevant demographic
27 data determined appropriate by those agencies.

1 (d) A health care provider may submit additional
2 information to be included in the clearinghouse on COVID-19
3 treatments administered by the provider, health outcomes related to
4 those treatments, and any relevant demographic data.

5 (e) In establishing the clearinghouse, the department,
6 commission, and division shall ensure the clearinghouse:

7 (1) aggregates COVID-19 health information submitted
8 under this section in an open-source format that is
9 machine-readable and allows the public to easily access and
10 navigate the information; and

11 (2) allows the public to search the information at a
12 minimum by the categories described by Subsection (c).

13 (f) In establishing the clearinghouse, the department,
14 commission, and division shall ensure COVID-19 health information
15 submitted by health care providers or accessible to the public
16 through the clearinghouse does not disclose a patient's personally
17 identifiable information or information that is confidential under
18 state or federal law.

19 Sec. 108A.003. MEMORANDUM OF UNDERSTANDING. The
20 department, commission, and division may enter into a memorandum of
21 understanding that:

22 (1) ensures the clearinghouse is administered and
23 maintained in accordance with this chapter, including by
24 identifying and establishing enforcement mechanisms for that
25 purpose; and

26 (2) defines each agency's responsibilities with
27 respect to establishing or administering the clearinghouse.

1 SECTION 2. As soon as practicable after the effective date
2 of this Act, the Department of State Health Services shall
3 establish the COVID-19 health information clearinghouse as
4 required by Chapter 108A, Health and Safety Code, as added by this
5 Act.

6 SECTION 3. This Act takes effect on the 91st day after the
7 last day of the legislative session.