88R12984 JG-D

By:  Vasut H.B. No. 4589

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the use of digital identification systems for patient health care records.

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

SECTION 1.  Subtitle I, Title 2, Health and Safety Code, is amended by adding Chapter 183 to read as follows:

CHAPTER 183. DIGITAL IDENTIFICATION SYSTEMS FOR HEALTH CARE RECORDS

Sec. 183.001.  DEFINITIONS. In this chapter:

(1)  "Covered entity" has the meaning assigned by Section 181.001.

(2)  "Digital identification system" means an electronic system that uses digital technology throughout the process of identifying an individual, including:

(A)  data capture, validation, storage, and transfer;

(B)  credential management; and

(C)  identity verification and authentication.

(3)  "Health care provider" means a person who is licensed, certified, or otherwise authorized to provide or render health care in this state in the ordinary course of business or practice of a profession.

Sec. 183.002.  CONSENT REQUIREMENT FOR USE OF DIGITAL IDENTIFICATION SYSTEMS. (a) Unless a covered entity or health care provider obtains a patient's written informed consent, the entity or provider may not:

(1)  use a digital identification system, including a system created or operated by this state, to store a patient's health care records, including genetic or biological information; or

(2)  require the use of a digital identification system for a patient to access the patient's health care records.

(b)  A health care provider may not coerce a patient to consent to the use of a digital identification system, including by requiring consent as a condition of receiving health care services or treatment from the provider.

Sec. 183.003.  COMMERCIAL USE PROHIBITED WITHOUT COMPENSATION. A covered entity or health care provider who obtains a patient's written informed consent under Section 183.002 may not use the patient's health care records for commercial gain in any manner unless the entity or provider provides reasonable compensation to the patient.

Sec. 183.004.  CONFIDENTIALITY. (a) A covered entity or health care provider who obtains a patient's written informed consent under Section 183.002 shall ensure the patient's health care records are kept confidential in accordance with applicable state and federal law.

(b)  A covered entity or health care provider shall ensure that a patient's health care records do not include identifying information when the entity or provider shares the records in accordance with the patient's written informed consent provided under Section 183.002.

Sec. 183.005.  ENFORCEMENT. A violation of this chapter by a covered entity or health care provider constitutes a violation of Chapter 181 and the entity or provider is subject to enforcement actions under Subchapter E of that chapter, including disciplinary action by the appropriate licensing authority.

Sec. 183.006.  RULES. The executive commissioner shall adopt rules to implement this chapter.

SECTION 2.  Chapter 183, Health and Safety Code, as added by this Act, applies only to the use of a digital identification system that occurs on or after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2023.