

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

1 provider obtains a patient's written informed consent, the entity
2 or provider may not:

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

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

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

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

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

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

1 under Section 183.002.

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

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

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

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