

BILL ANALYSIS

Senate Research Center
76R10569 MCK-D

H.B. 1513
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Health Services
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Engrossed

DIGEST

The Texas Health Care Information Council (council) was created by the 73rd Texas Legislature to develop a statewide health care data collection system to collect health care charges, utilization data, provider quality data, and outcome data to facilitate the promotion and accessibility of cost-effective, quality health care. By collecting hospital-based data requiring HMO reporting, the council has been able to provide useful report cards on HMOs. H.B. 1513 would set forth the powers and duties of the Texas Health Care Information Council, and provide a criminal penalty.

PURPOSE

As proposed, H.B. 1513 sets forth the powers and duties of the Texas Health Care Information Council, and provides a criminal penalty.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Health Care Information Council in SECTION 5 (Section 108.013(j), Health and Safety Code), SECTION 6 (Section 108.0135(b), Health and Safety Code), and SECTION 10 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 108.002(14), Health and Safety Code, to redefine "public use data."

SECTION 2. Amends Section 108.003(g), Health and Safety Code, to provide that Chapter 2110, Government Code, does not apply to an advisory committee appointed under this section. Requires the technical advisory committees to include a technical advisory committee with providers and consumers to provide the advice and recommendations to the Texas Health Care Information Council (council) relating to education about the development and dissemination of the provider quality report and data, representatives of consumers and each type of issuer of health benefit plans to assist the council in complying with Section 108.009(o), and composed of providers, consumers, and individuals who have expertise in a hospital information system, health information management, and quality management, and security of confidential data. Deletes text regarding the development and dissemination of consumer education information and materials and individuals who have expertise in the reimbursement of medical education and research.

SECTION 3. Amends Section 108.010(i), Health and Safety Code, to require the council to release provider quality data in an aggregate form without uniform physician identifiers when certain conditions exist.

SECTION 4. Amends Section 108.011(i), Health and Safety Code, to make conforming changes.

SECTION 5. Amends Section 108.013, Health and Safety Code, by amending Subsections (c), (e), (f), (g), and (h) and adding Subsection (j), to prohibit the council from releasing certain information and a person or entity from gaining access to certain data. Provides that data on physicians and compilations produced from the data collected that identify physicians are not to take certain action. Prohibits the council from releasing data elements in a manner that will reveal the identity of a physician. Provides that Subsections (c) and (g), rather than Subsection (c)(1), do not prohibit the release of a uniform physician identifier in conjunction with associated public use data in accordance with Section 108.001 or a provider quality report, rather than data, in accordance with Section 108.010. Requires the council, by rule, with the assistance of the advisory committee under Section 108.003(g)(5), to develop and implement a

mechanism to comply with Subsection (c)(1) and (2).

SECTION 6. Amends Chapter 108, Health and Safety Code, by adding Section 108.0135, as follows:

Sec. 108.0135. **SCIENTIFIC REVIEW PANEL.** Requires the council to establish a scientific review panel to review and approve requests for information other than public use data. Requires the members of the panel to have experience and expertise in ethics, patient confidentiality, and health care data. Requires the council to adopt rules similar to the federal Health Care Financing Administration's guidelines on releasing data. Requires a request for information other than public use data to be made on the form created by the council.

SECTION 7. Amends Section 108.014, Health and Safety Code, by amending Subsection (c) and adding Subsection (d), to provide that the venue of an action brought under this section is in Travis County. Requires a civil penalty recovered in a suit instituted by the attorney general under this chapter to be deposited in the general revenue fund to the credit of the health care information account.

SECTION 8. Amends Section 108.0141, Health and Safety Code, to provide that a person who knowingly accesses data in violation of this chapter or who with criminal negligence releases data in violation of this chapter commits an offense.

SECTION 9. Amends Chapter 108, Health and Safety Code, by adding Sections 108.0142 and 108.0143, as follows:

Sec. 108.0142. **CIVIL CAUSE OF ACTION FOR IMPROPER ACCESS OR DISCLOSURE.** Provides that a person who is injured by the accessing or release of information in violation of this chapter has a civil cause of action for damages against the person who accessed or released the information in violation on this chapter. Authorizes a plaintiff who prevails in a suit under this section to recover certain damages.

Sec. 108.0143. **RELEASE OF LIABILITY.** Provides that a provider or health benefit plan that submits data to the council under this chapter is not liable to the extent that the release of information violates another law.

SECTION 10. Effective date: September 1, 1999. Requires the council to adopt initial rules required by Section 108.1013(j), Health and Safety Code, as added by this Act, not later than January 1, 2000. Makes change in law made by this Act to Section 108.0141, Health and Safety Code, prospective.

SECTION 11. Emergency clause.