

## **BILL ANALYSIS**

Senate Research Center  
76R15378 MCK-D

C.S.H.B. 1513  
By: Maxey (Moncrief)  
Health Services  
5/13/1999  
Committee Report (Substituted)

### **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 7 (Section 108.013(j), Health and Safety Code), SECTION 8 (Section 108.0135(b), Health and Safety Code), and SECTION 10 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 108.002, Health and Safety Code, to define “accurate and consistent data,” “certification,” and “validation.” Redefines “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 108.006, Health and Safety Code, by adding Subsections (f), (g), and (h), to require the council to prescribe, by rule, a public use data file minimum data set that maintains patient confidentiality and establish data accuracy and consistency. Provides that the public use data file minimum data set as defined by council rule is subject to annual review by the council with assistance of the advisory committee under Section 108.003(g)(5). Provides that the purpose of the review is to modify the existing minimum data set and editing process. Requires a decision to modify the minimum data set by the addition or deletion of data elements to include consideration of the value of the specific data to be added or deleted and the technical feasibility of establishing data accuracy and consistency. Authorizes the council to also consider the cost to the council and providers association with modifying the minimum data set. Authorizes the council to also consider the costs to the council and providers associated with modifying the minimum data set. Authorizes the council to release data collected under Section 108.0135 that is not included in the public use data file minimum data set established under Subsection (f), in accordance with Section 108.0135.

SECTION 4. Section 108.009(b), Health and Safety Code, to prohibit a rule that was not required to be submitted from taking effect before the 90th day after the date the rule is adopted and must take effect not later than the first anniversary after the date the rule is adopted.

SECTION 5. 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 6. Amends Section 108.011(d) and (i), Health and Safety Code, to require the council to adopt procedures to establish the accuracy and consistency, rather than verify the accuracy of the data. Make conforming changes.

SECTION 7. 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 8. 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 9. 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 10. 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 11. 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. Requires the council to edit the physician identifier fields not later than January 1, 2000. Requires the uniform physician identifier to be included in the public use data file minimum data sets that contains information from hospital discharges for patients released on or after January 1, 2000.

SECTION 12. Emergency clause.