

BILL ANALYSIS

Senate Research Center
77R3395 YDB-D

S.B. 285
By: Nelson
Health & Human Services
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As Filed

DIGEST AND PURPOSE

Currently, there is no complete, timely, and accurate reporting of cancer incidence in Texas. The Centers of Disease Control and Prevention require certain legislation and regulations in place for cancer reporting to receive funding under the National Program of Cancer Registries. The lack of systematic reporting and federal funding acquisition hinders Texas' cancer prevention and control efforts statewide. As proposed, S.B. 285 requires cancer incidence reporting by health care practitioners. It also grants the Texas Department of Health access to certain medical records and clarifies the confidentiality of the cancer information and its authorized release.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Health in SECTION 4 (Section 82.009, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 82.002, Health and Safety Code, to delete wording relating to the definition of "cancer treatment center." Defines "health care facility," deleting definition of "hospital." Redefines "health care practitioner."

SECTION 2. Amends Section 82.006, Health and Safety Code, to make conforming changes.

SECTION 3. Amends Section 82.008, Health and Safety Code, to authorize the Texas Department of Health (department) access to the medical records of a health care facility, clinical laboratory, or health care practitioner (facility). Deletes wording relating to rulemaking authority granted to the Texas Board of Health (board). Requires the board to adopt procedures ensuring that adequate notice be given to the facility before the department accesses the facility's medical records. Requires a facility to reimburse the department for costs incurred in accessing and reporting data the facility failed to furnish as required by this chapter. Authorizes the department to assess a late fee on certain overdue accounts and sets forth guidelines. Authorizes data furnished under this section to be shared with specific health care facilities. Makes conforming changes.

SECTION 4. Amends Section 82.009, Health and Safety Code, to provide that certain information obtained under this chapter is confidential, exempt from Chapter 552 (Public Information), Government Code, and not subject to subpoena, or other release, except as provided by this section or Section 82.008(f). Provides that certain information obtained under this chapter is for the confidential use of persons or public or private entities that the department, rather than the board, determines are necessary to carry out the intent of this chapter. Authorizes medical or epidemiological information to be released for certain purposes and sets forth requirements for releasing the data, including release to cancer registries under rules adopted by the board to ensure confidentiality. Deletes wording relating to medical record information. Prohibits a state employee from testifying in any proceeding regarding the existence or contents of certain records concerning a certain individual without the prior consent of the individual. Makes conforming changes.

SECTION 5. Amends Section 82.010, Health and Safety Code, to set forth the persons and facilities subject to this chapter who are not liable for furnishing the information required under this chapter, to include a health care practitioner or employee of such. Makes conforming changes.

SECTION 6. Effective date: September 1, 2001.