

## **BILL ANALYSIS**

Senate Research Center  
78R8348 MCK-D

S.B. 1136  
By: Nelson  
Health & Human Services  
4/12/2003  
As Filed

### **DIGEST AND PURPOSE**

S.B. 11 passed in the 77th Texas Legislature implemented medical records privacy in Texas. It contained verbatim the provisions of the Federal Health Insurance Portability and Accountability Act (HIPAA) regulation at the time of its passage. The Bush Administration altered HIPAA regulation on March 27, 2002. As proposed, S.B. 1136 repeals two definitions (health care operations and protected health information) and three provisions of state law. This bill also updates the references to the Code of Federal Regulation.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 181.001(b)(3), Health and Safety Code, to change the meaning of "Health Insurance Portability and Accountability Act and Privacy Standards" by including "contained in 45 C.F.R. Parts 160 and 164" and deleting the phrase "and the final rules adopted on December 28, 2000, and published at 65 Fed. Reg. 82798 et. seq."

SECTION 2. Repealer: Sections 181.001(b)(2) (regarding the definition of "health care operations") and (5) (regarding the definition of "protected health information"), and Subchapter 181C (Access to and Use of Health Care Information), Health and Safety Code.

SECTION 3. Effective date: September 1, 2003.