

## **BILL ANALYSIS**

Senate Research Center  
83R1851 KKR-D

S.B. 166  
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Agriculture, Rural Affairs & Homeland Security  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, physicians and other health care providers are prohibited from using the electronic strip on a driver's license as a tool to check patients into their practice.

At both the federal and state levels, tremendous resources have been expended to develop and use Electronic Medical Records (EMRs), yet the initial access into health care settings requires significant, many times duplicative, paperwork. Despite the fact that medical records technology has advanced to allow health care providers to move to more accurate and secure electronic systems, patients and providers are still faced with large paper systems during the check-in process.

In 2007, the Texas Legislature passed H.B. 1060, which permitted Texas hospitals to use the electronic strip on a driver's license as a tool to admit patients into their facilities. This legislation would allow health care providers to have the same ability.

This legislation does not lessen any state or federal privacy or data protections regulations currently governing health care providers.

The goal of this legislation is to improve and streamline patient access to a health care provider and increase medical record efficiency and accuracy for health care providers.

As proposed, S.B. 166 amends current law relating to the use by certain health care providers of electronically readable information from a driver's license or personal identification certificate.

### **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 521.126, Transportation Code, by amending Subsections (i), (j), and (k) and adding Subsection (l), as follows:

(i) Provides that the prohibition provided by Subsection (b) (relating to a person committing an offense if the person accesses, uses, compiles, or maintains a database of electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate) does not apply to a health care provider or hospital that accesses, uses, compiles, or maintains a database of the information to provide health care services to the individual who holds the driver's license, commercial driver's license, or personal identification certificate.

(j) Prohibits a health care provider or hospital, except as otherwise provided by this subsection, from selling, transferring, or otherwise disseminating the information described by Subsection (i) to a third party for any purpose, including any marketing, advertising, or promotional activities. Authorizes a health care provider or hospital that obtains information described by Subsection (i) to transfer the information only in accordance with certain rules. Authorizes a business associate, and any subcontractor of

the business associate who receives the transferred information, to use the information only to service or maintain the health care provider's or hospital's database of the information.

(k) Requires a health care provider or hospital to use an alternative method for collecting the individual's information if an individual objects to the health care provider or hospital collecting the individual's information from the individual's driver's license as described by Subsection (i).

(l) Defines "health care provider" in this section.

SECTION 2. Effective date: September 1, 2013.