

BILL ANALYSIS

Senate Research Center

H.B. 764
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Approximately 20 years ago, the Texas Health Care Information Council was created to collect and aggregate statewide health care quality data at hospitals and ambulatory surgical centers in Texas. The council has since been consolidated as a division of the Department of State Health Services, and over the years the legislature has worked to improve the operations of the council and to make the duties of the council more consumer-friendly. H.B. 764 seeks to build on these efforts.

H.B. 764 amends current law relating to the use, collection, and security of health care data collected by the Department of State Health Services.

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 108.009, Health and Safety Code, by adding Subsection (c), as follows:

(c) Requires the Department of State Health Services (DSHS) or another entity as determined by DSHS to collect data from a provider under Subsection (a) (relating to the submission and collection of certain data) to maintain a database that does not include identifying information for use as authorized by law, including this chapter.

SECTION 2. Amends Chapter 108, Health and Safety Code, by adding Section 108.0095, as follows:

Sec. 108.0095. NOTIFICATION OF DATA COLLECTION. (a) Requires a provider to provide to a patient whose data is being collected under this chapter written notice on a form prescribed by DSHS of the collection of the patient's data for health care purposes.

(b) Requires that the notice provided under this section include the name of the agency or entity receiving the data and of an individual within the agency or entity whom the patient may contact regarding the collection of data.

(c) Requires DSHS to include the notice required under this section on an existing DSHS form and make the form available on DSHS's Internet website.

SECTION 3. Amends Section 108.011(d), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to require that the procedures adopted under this subsection meet available best practices and national standards for public research on and consumer use of health care data collected by governmental agencies.

SECTION 4. Amends Section 108.013(a), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to require that the data received by DSHS

under this chapter be used by DSHS and the Health and Human Services Commission (HHSC) only for the benefit of the public.

SECTION 5. Amends Chapter 108, Health and Safety Code, by adding Section 108.0132, as follows:

Sec. 108.0132. PROHIBITED CHARGE TO CERTAIN STATE AGENCIES FOR DATA. Prohibits DSHS from charging a fee to HHSC or any other health and human services agency for the use of any data collected under this chapter.

SECTION 6. Amends Chapter 108, Health and Safety Code, by adding Section 108.0136, as follows:

Sec. 108.0136. REPORT; NOTIFICATION OF CYBER ATTACK. (a) Requires DSHS to prepare for the commissioner an annual report describing the security measures taken to protect data collected under this chapter and any breaches, attempted cyber attacks, and security issues related to the data that are encountered during the calendar year.

(b) Provides that the report described by this section is not subject to Chapter 552 (Public Information), Government Code, but may be released on request to a member of the legislature.

(c) Requires DSHS, if a cyber attack occurs targeting data collected under this chapter, to notify the Department of Public Safety of the State of Texas and the Federal Bureau of Investigation of the attack.

SECTION 7. Effective date: September 1, 2015.