

BILL ANALYSIS

Senate Research Center
86R30386 JG-F

C.S.H.B. 3304
By: Raymond; Price (Buckingham)
Health & Human Services
5/18/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding the expiration of certain statutory provisions governing the electronic exchange of health information, the administration of the exchange by the Texas Health Services Authority (THSA), and the powers and duties of THSA with respect to the exchange. It has been suggested that the state has an interest in continuing to maintain oversight of THSA due to future plans to provide secure access to electronic health information in shelter environments during natural disasters.

H.B. 3304 seeks to address these concerns by removing the expiration of such statutory provisions. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3304 amends current law relating to the sunset review of the Texas Health Services Authority and the repeal of certain provisions affecting the electronic exchange of health information.

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 Subchapter A, Chapter 182, Health and Safety Code, by adding Section 182.004, as follows:

Sec. 182.004. APPLICATION OF SUNSET ACT. Provides that the Texas Health Services Authority (corporation) is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that, unless continued in existence as provided by that chapter, the corporation is abolished and this section, Section 182.001 (Purpose), and Subchapters B (Administration) and C (Powers and Duties) expire September 1, 2027.

SECTION 2. Repealer: Section 182.003 (Expiration of Subchapter), Health and Safety Code.

Repealer: Section 182.052 (Expiration of Subchapter), Health and Safety Code.

Repealer: Section 182.101(b) (relating to this section (General Powers and Duties) expiring September 1, 2021), Health and Safety Code.

Repealer: Section 182.102(c) (relating to this section (Prohibited Acts) expiring September 1, 2021), Health and Safety Code.

Repealer: Section 182.103(d) (relating to this section (Privacy of Information) expiring September 1, 2021), Health and Safety Code.

Repealer: Section 182.104(b) (relating to this section (Security Compliance) expiring September 1, 2021), Health and Safety Code.

Repealer: Section 182.105(b) (relating to this section (Intellectual Property) expiring September 1, 2021), Health and Safety Code.

Repealer: Section 182.106(b) (relating to this section (Annual Report) expiring September 1, 2021), Health and Safety Code.

Repealer: Section 182.107(d) (relating to this section (Funding) expiring September 1, 2021), Health and Safety Code.

Repealer: Section 182.108(f) (relating to a September 1, 2021, expiration for certain subsections of this section (Standards For Electronic Sharing of Protected Health Information; Covered Entity Certification)), Health and Safety Code.

SECTION 3. Repealer: Section 15(b), Chapter 12 (S.B. 203), Acts of the 84th Legislature, Regular Session, 2015, which added Sections 182.108(g) (relating to providing that certain privacy and security standards continue until amended by rule by the Health and Human Services Commission (HHSC)), (h) (relating to requiring HHSC, in amending standards under Subsection (g), to seek the assistance of a certain private nonprofit organization), (i) (relating to requiring that standards amended under Subsection (g) be designed to accomplish certain goals), (j) (relating to requiring HHSC to designate a certain private nonprofit organization to establish a process by which a covered entity is authorized to apply for a certain certification), (k) (relating to requiring the entity that establishes the process under Subsection (j) to publish the standards adopted on the entity's Internet website), (l) (relating to requiring HHSC to ensure that any fee charged for the certification process is reasonable), (m) (relating to authorizing HHSC, for good cause, to revoke the designation or authority of certain entities to establish the process or offer certifications under Subsection (j)), and (n) (relating to defining "covered entity," "disclose," "Health Insurance Portability and Accountability Act and privacy standards," "individually identifiable health information," and "protected health information"), Health and Safety Code, effective September 1, 2021.

SECTION 4. Effective date: September 1, 2019.