

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2236
By: Buckingham
Health & Human Services
5/8/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2007, Texas began assembling key stakeholders to coordinate the planning and adoption of statewide fully integrated and interoperable health information technology systems. Texas chose to establish a public-private entity called the Texas Health Services Authority (THSA) to promote health information technology (HIT). By assembling key stakeholders, the THSA reduces barriers to adoption of standards for the development of health information exchange, and decreases the drain on state dollars required to promote HIT. In 2015, the Sunset Advisory Commission (Sunset) reviewed THSA. Sunset staff recommended sunsetting THSA in 2015, but the legislature, through passage of S.B. 203 (2015) extended that date to September 1, 2021. This was in part due to the fact that Texas Medicaid had an active application to CMS to draw down 90:10 match funds that would flow through the THSA, which is the state-level health information exchange for Texas. These funds are available through September 2021.

The Health and Human Services Commission (HHSC) plans to partner with THSA to draw down these funds to partner to develop an implementation and advanced planning document to provide several layers of services for HHSC, health care providers and insurers. THSA and HHSC also plan to implement the Patient Unified Lookup System for Emergencies (PULSE) to provide secure access to electronic health information in shelter environments during natural disasters.

Because the PULSE program will be needed for disaster response beyond 2021, the state has an interest in continuing to maintain oversight of THSA. S.B. 2236 removes expiration deadlines set for September 1, 2021, in Chapter 182, Health and Safety Code. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2236 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 (THSA) is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that THSA, unless continued in existence as provided that chapter, 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.