

1-1 By: King of Taylor, et al. H.B. No. 764
 1-2 (Senate Sponsor - Rodríguez)
 1-3 (In the Senate - Received from the House May 6, 2015;
 1-4 May 11, 2015, read first time and referred to Committee on Health
 1-5 and Human Services; May 20, 2015, reported favorably by the
 1-6 following vote: Yeas 7, Nays 0; May 20, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the use, collection, and security of health care data
 1-21 collected by the Department of State Health Services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 108.009, Health and Safety Code, is
 1-24 amended by adding Subsection (c) to read as follows:

1-25 (c) The department or another entity as determined by the
 1-26 department to collect data from a provider under Subsection (a)
 1-27 shall maintain a database that does not include identifying
 1-28 information for use as authorized by law, including this chapter.

1-29 SECTION 2. Chapter 108, Health and Safety Code, is amended
 1-30 by adding Section 108.0095 to read as follows:

1-31 Sec. 108.0095. NOTIFICATION OF DATA COLLECTION. (a) A
 1-32 provider shall provide to a patient whose data is being collected
 1-33 under this chapter written notice on a form prescribed by the
 1-34 department of the collection of the patient's data for health care
 1-35 purposes.

1-36 (b) The notice provided under this section must include the
 1-37 name of the agency or entity receiving the data and of an individual
 1-38 within the agency or entity whom the patient may contact regarding
 1-39 the collection of data.

1-40 (c) The department shall include the notice required under
 1-41 this section on an existing department form and make the form
 1-42 available on the department's Internet website.

1-43 SECTION 3. Section 108.011(d), Health and Safety Code, as
 1-44 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
 1-45 2015, is amended to read as follows:

1-46 (d) The executive commissioner shall adopt procedures to
 1-47 establish the accuracy and consistency of the public use data
 1-48 before releasing the public use data to the public. The department
 1-49 may adopt additional procedures as the department determines
 1-50 necessary. The procedures adopted under this subsection must meet
 1-51 available best practices and national standards for public research
 1-52 on and consumer use of health care data collected by governmental
 1-53 agencies.

1-54 SECTION 4. Section 108.013(a), Health and Safety Code, as
 1-55 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
 1-56 2015, is amended to read as follows:

1-57 (a) The data received by the department under this chapter
 1-58 shall be used by the department and commission only for the benefit
 1-59 of the public. Subject to specific limitations established by this
 1-60 chapter and department rule, the department shall make
 1-61 determinations on requests for information in favor of access.

2-1 SECTION 5. Chapter 108, Health and Safety Code, is amended
2-2 by adding Section 108.0132 to read as follows:

2-3 Sec. 108.0132. PROHIBITED CHARGE TO CERTAIN STATE AGENCIES
2-4 FOR DATA. The department may not charge a fee to the commission or
2-5 any other health and human services agency for the use of any data
2-6 collected under this chapter.

2-7 SECTION 6. Chapter 108, Health and Safety Code, is amended
2-8 by adding Section 108.0136 to read as follows:

2-9 Sec. 108.0136. REPORT; NOTIFICATION OF CYBER ATTACK. (a)
2-10 The department shall prepare for the commissioner an annual report
2-11 describing the security measures taken to protect data collected
2-12 under this chapter and any breaches, attempted cyber attacks, and
2-13 security issues related to the data that are encountered during the
2-14 calendar year.

2-15 (b) The report described by this section is not subject to
2-16 Chapter 552, Government Code, but may be released on request to a
2-17 member of the legislature.

2-18 (c) If a cyber attack occurs targeting data collected under
2-19 this chapter, the department shall notify the Department of Public
2-20 Safety of the State of Texas and the Federal Bureau of Investigation
2-21 of the attack.

2-22 SECTION 7. This Act takes effect September 1, 2015.

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