

1 AN ACT

2 relating to an electronic database of physicians, hospitals, and  
3 other health care providers participating in the state Medicaid  
4 program.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 32, Human Resources Code, is amended by  
7 adding Subchapter C to read as follows:

8 SUBCHAPTER C. MEDICAL ASSISTANCE PROGRAM PROVIDER DATABASE

9 Sec. 32.101. DEFINITIONS. In this subchapter:

10 (1) "Executive commissioner" means the executive  
11 commissioner of the Health and Human Services Commission.

12 (2) "Health care provider" means a person, other than  
13 a physician, who:

14 (A) is licensed or otherwise authorized to  
15 provide a health care service in this state, including:

16 (i) a pharmacist, dentist, optometrist,  
17 mental health counselor, social worker, advanced practice nurse,  
18 physician assistant, or durable medical equipment supplier; or

19 (ii) a pharmacy, hospital, or other  
20 institution or organization;

21 (B) is wholly owned or controlled by:

22 (i) a health care provider or a group of  
23 health care providers described by Paragraph (A); or

24 (ii) one or more hospitals and physicians,

1 including a physician-hospital organization;

2 (C) is a professional association of physicians  
3 organized under the Texas Professional Association Law, as  
4 described by Section 1.008, Business Organizations Code;

5 (D) is an approved nonprofit health corporation  
6 certified under Chapter 162, Occupations Code;

7 (E) is a medical and dental unit, as defined by  
8 Section 61.003, Education Code, a medical school, as defined by  
9 Section 61.501, Education Code, or a health science center  
10 described by Subchapter K, Chapter 74, Education Code, that employs  
11 or contracts with physicians to teach or provide medical services,  
12 or employs physicians and contracts with physicians in a practice  
13 plan; or

14 (F) is another person wholly owned by physicians.

15 (3) "Managed care organization" has the meaning  
16 assigned by Section 533.001, Government Code.

17 (4) "Managed care plan" has the meaning assigned by  
18 Section 533.001, Government Code.

19 (5) "Participating provider" means a physician or  
20 health care provider who is a provider of medical assistance,  
21 including a physician or health care provider who contracts or  
22 otherwise agrees with a managed care organization to provide  
23 medical assistance under this chapter.

24 (6) "Physician" means an individual licensed to  
25 practice medicine in this state.

26 (7) "Recipient" means a recipient of medical  
27 assistance.

1           Sec. 32.102. DATABASE OF MEDICAL ASSISTANCE PROGRAM  
2 PROVIDERS. (a) The executive commissioner shall establish and  
3 administer an electronic, searchable, Internet-based database of  
4 all participating providers in the medical assistance program.

5           (b) The database must include, as applicable, at least the  
6 following information regarding each participating provider:

7                   (1) the provider's:

8                           (A) name;

9                           (B) specialty;

10                          (C) location;

11                          (D) office hours, including any office hours  
12 outside of regular business hours; and

13                           (E) telephone number;

14                   (2) whether the provider:

15                           (A) is accepting new recipients, and if the  
16 provider is accepting new recipients and if applicable, the managed  
17 care organization or managed care plan under which new recipients  
18 are being accepted;

19                           (B) has any practice limitations, including  
20 specific age range limitations; and

21                           (C) speaks any languages other than English;

22                   (3) a list of the medical assistance program services  
23 offered by the provider; and

24                   (4) any waiver program or other program within the  
25 medical assistance program in which the provider is a participant,  
26 including the Texas Health Steps program.

27           (c) In establishing the database, the executive

1 commissioner shall ensure that the database:

2 (1) allows a person to search a managed care  
3 organization by name and by participating provider within each of  
4 the managed care plans offered by that managed care organization;

5 (2) allows a participating provider to electronically  
6 access and change or update the information required by Subsection  
7 (b)(1), (2), or (3); and

8 (3) is available and accessible to each participating  
9 provider and each recipient.

10 (d) The executive commissioner shall ensure that the  
11 database is updated continually and at least once a month.

12 Sec. 32.103. CERTAIN FEES PROHIBITED. A person, including  
13 the executive commissioner, a person acting under a contract under  
14 Section 32.104, or a managed care organization, may not charge a  
15 participating provider or a recipient a fee, directly or  
16 indirectly, for making information available or for accessing  
17 information in the database established under this subchapter.

18 Sec. 32.104. AUTHORITY TO CONTRACT. (a) The executive  
19 commissioner may contract with a state agency or a private entity  
20 for the creation, operation, and maintenance of the database  
21 required by this subchapter.

22 (b) A contract entered into under this section must allow  
23 the executive commissioner to oversee and supervise the contractor  
24 and the database.

25 Sec. 32.105. RULES. The executive commissioner shall adopt  
26 rules to implement and administer this subchapter.

27 SECTION 2. Not later than January 1, 2008, the executive

1 commissioner of the Health and Human Services Commission shall  
2 adopt the rules required by Section 32.105, Human Resources Code,  
3 as added by this Act.

4 SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2007.

David Dewhurst

President of the Senate

Tom Caddell

Speaker of the House

I certify that H.B. No. 2042 was passed by the House on May 4, 2007, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 2042 was passed by the Senate on May 22, 2007, by the following vote: Yeas 31, Nays 0.

Datsy Jew  
Secretary of the Senate

APPROVED: 15 JUN 07

Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
6 PM O'CLOCK

JUN 15 2007  
Roger Williams  
Secretary of State