

## **BILL ANALYSIS**

S.B. 640  
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Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that the Health and Human Services Commission transition plan has determined that the state needs to strengthen its sharing of electronic health information in order to accomplish goals of the plan. Unfortunately, the technology readiness and interoperability of behavioral health facilities in Texas, a priority population identified in the plan, is lagging when compared to physical health counterparts. Insufficient behavioral health technology harms patients who rely on this technology and communication to receive adequate care. While most state hospitals and local mental health authorities use electronic health records, these entities do not fully share electronic data. This leaves primary and medical providers without the full picture of a patient, making it difficult to achieve fully integrated care. As the medical sector continues to expand its technologies to leverage clinical decision support, improve care quality, and empower patients, the disparity between behavioral health providers and patient engagement may continue to widen. With the increasing adoption of telehealth services, there have been calls to ensure that behavioral health technology is adequately providing critical care to Texas patients. S.B. 640 seeks to assist the state in understanding the behavioral health technology landscape by conducting a study that will review technology readiness, interoperability, and gaps in state supportive behavioral health organizations, managed care, and key Medicaid stakeholders.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 640 requires the Health and Human Services Commission (HHSC) to conduct a study to assess the interoperability needs and technology readiness of behavioral health service providers in Texas, including the needs and readiness of each:

- state hospital;
- local mental health authority;
- freestanding psychiatric hospital;
- high volume provider group under the STAR+PLUS, STAR Kids, or STAR Health Medicaid managed care programs;
- Medicaid payor;
- county jail, municipal jail, and other local law enforcement entity involved in providing behavioral health services; and
- trauma service area regional advisory council.

The bill requires HHSC, in conducting the study, to determine which of those providers use an electronic health record management system and to evaluate the following:

- for each of those providers that uses an electronic health record management system:
  - when the provider implemented the system;
  - whether the provider is also connected to an outside system and, if so, certain aspects of the connection and the type of information shared with and received from the outside system; and
  - what the provider finds valuable about using such a system or being connected to an outside system, including certain information about the provider's use of any prescription drug monitoring program as part of the system, the value of qualitative data for improving patient care, and the efficiency and cost-effectiveness of using or being connected to a system; and
- for both the providers who use a system or an outside system and the providers who do not use either system, barriers to being connected or to becoming connected, as applicable, including:
  - considerations of cost, security or privacy concerns, patient consent issues, or legal, regulatory, or licensing factors; and
  - for the providers who are not connected to either system, whether and for what reasons they consider being connected valuable or useful to treating patients.

The bill authorizes HHSC, in conducting the study, to collaborate with any relevant advisory committees.

S.B. 640 requires HHSC, based on the results of the study and not later than August 31, 2022, to prepare and submit to the legislature, lieutenant governor, and governor a written report that includes the following:

- a state plan, including a proposed timeline, for aligning the interoperability and technological capabilities in the provision of behavioral health services with applicable law;
- information on gaps in education, and recommendations for closing those gaps, regarding the appropriate sharing of behavioral health data;
- an evaluation of the differences and similarities between federal and state law on the interoperability and technological requirements in the provision of behavioral health services; and
- recommendations for standardizing the use of social determinants of health.

The bill requires HHSC, to the extent permitted by law and as the executive commissioner of HHSC determines appropriate, to implement, within HHSC's prescribed authority, a component of the plan or a regulatory recommendation included in the report.

S.B. 640 expires September 1, 2023.

#### **EFFECTIVE DATE**

September 1, 2021.