

SENATE BILL 322

By Reeves

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 33; Title 56; Title 63 and Title 68, relative to
healthcare information.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Department" means the department of commerce and insurance;

and

(2) "Direct personal identifiers" means information relating to an individual that contains primary or obvious identifiers, such as the individual's name, street address, e-mail address, telephone number, and social security number.

(b) The department shall enter into a memorandum of understanding for collaboration in the development of a comprehensive healthcare information system, which must be accessible on the department's website. The memorandum of understanding must include a description of the data sets that will be included in the comprehensive healthcare information system, the criteria and procedures for the development of limited use data sets, the criteria and procedures to ensure that Health Insurance Portability and Accountability Act of 1996 (HIPAA) compliant limited use data sets are accessible, and a proposed time frame for the creation of a comprehensive healthcare information system. To the extent allowed by HIPAA, the data must be available as a resource for insurers, employers, providers, purchasers of health care,

and state agencies to continuously review healthcare utilization, expenditures, and performance in this state and to enhance the ability of this state's consumers and employers to make informed and cost-effective healthcare choices. In presenting data for public access, comparative considerations must be made regarding geography, demographics, general economic factors, and institutional size. Notwithstanding HIPAA or any other provision of law, the comprehensive healthcare information system must not include or disclose any data that contains direct personal identifiers.

(c) The department may adopt rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, as may be necessary to provide for the release of claims data from the comprehensive healthcare information system.

(d) The department shall make available to the public a public use data set for purposes of facilitating transparency in healthcare costs.

(e) The department has the authority to seek any available federal funding for the purposes of developing the comprehensive healthcare information system and to otherwise implement this section.

SECTION 2. For the purpose of applying for federal funding and promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2020, the public welfare requiring it.