



State of Tennessee

PUBLIC CHAPTER NO. 968

SENATE BILL NO. 105

By Bell

Substituted for: House Bill No. 259

By Faison

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29, Part 2 and Section 56-2-125, relative to the Tennessee health information committee.

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

SECTION 1. Tennessee Code Annotated, Section 4-29-238(a), is amended by deleting subdivision (52).

SECTION 2. Tennessee Code Annotated, Section 56-2-125, is amended by deleting subsection (c).

SECTION 3. Tennessee Code Annotated, Section 56-2-125, is amended by deleting subsection (d) and substituting instead the following:

(d)(1) As required by HIPAA, the all payer claims database shall not publicly disclose any individually identifiable health information as defined in 45 CFR 160.103. Use of the all payer claims database shall be subject to restrictions required by HIPAA and other applicable privacy laws and policies. The all payer claims database shall be accessed only by staff or a designated entity authorized in writing by the commissioner of finance and administration to perform the analyses contemplated by this section. The commissioner shall develop procedures and safeguards to protect the integrity and confidentiality of any data contained in the all payer claims database.

(2)(A)(i) The all payer claims database, summaries, source, or draft information used to construct or populate the all payer claims database, patient level claims data, reports derived from the all payer claims database, and other information submitted under this section, whether in electronic or paper form, shall not be considered a public record and shall not be open for inspection by members of the public under § 10-7-503(a)(1). The information contained in the all payer claims database shall be considered confidential and not subject to subpoena.

(ii) The commission may promulgate rules to authorize the public release of reports derived from the information. Any release of reports shall not result in such information losing its confidentiality or cause it to be admissible, except in administrative proceedings authorized under the rules adopted by the commissioner.

(B) The commissioner shall, through memoranda of understanding, allow the use of the all payer claims database by the department of finance and administration, the department of health, the department of mental health and substance abuse services, the department of intellectual and developmental disabilities, and other departments of state government for the purposes listed in subdivision (b)(1).

(C) Except for officials of the state or those officials' designees as permitted by subdivision (d)(1), nothing in this section shall be construed as

permitting access to or discovery of the source or draft information used to construct or populate the all payer claims database.

SECTION 4. Notwithstanding § 4-29-112, the Tennessee health information committee, created by § 56-2-125, shall terminate and shall cease to exist upon the effective date of this act.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 19, 2018


RANDY McNALLY
SPEAKER OF THE SENATE


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 16th day of May 2018


BILL HASLAM, GOVERNOR