

Senate Bill 398

By: Senators Hill of the 32nd, Rogers of the 21st, Shafer of the 48th, Staton of the 18th and Butterworth of the 50th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,
2 relating to medical assistance generally, so as to provide that the commissioner of public
3 health shall make available through the Internet website of the Department of Community
4 Health nonaggregated information on individuals collected under the federal Medicaid
5 Statistical Information System insofar as such information has been de-identified in
6 accordance with the regulations promulgated under the federal Health Insurance Portability
7 and Accountability Act of 1996, as amended; to provide for the manner of providing such
8 information; to provide for certain reports; to provide for certain surveys; to provide for
9 authority to contract for the provision of such information; to provide for related matters; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
14 medical assistance generally, is amended by adding a new Code section to read as follows:

15 "49-4-158.

16 (a) The commissioner shall implement by December 31, 2011, a program under which the
17 commissioner shall make available through the Internet website of the Department of
18 Community Health nonaggregated information on individuals collected under the federal
19 Medicaid Statistical Information System described in Section 1903(r)(1)(F) of the federal
20 Social Security Act insofar as such information has been de-identified in accordance with
21 the regulations promulgated under the federal Health Insurance Portability and
22 Accountability Act of 1996, as amended. In implementing the program, the commissioner
23 shall ensure that:

24 (1) The information made available is in a format that is easily accessible, useable, and
25 understandable to the public, including individuals interested in improving the quality of
26 care provided to individuals eligible for programs and services under Medicaid,

27 researchers, health care providers, and individuals interested in reducing the prevalence
28 of waste and fraud under the programs;

29 (2) The information made so available is as current as deemed practical by the
30 commissioner and shall be updated at least once per calendar quarter;

31 (3) To the extent feasible, all providers of medical assistance, as such term is defined in
32 paragraph (6) of Code Section 49-4-141, included in such information are identifiable by
33 name to individuals who access the information through such program; and

34 (4) The commissioner periodically solicits comments from a sampling of individuals
35 who access the information through such program on how to best improve the utility of
36 the program.

37 (b) For the purposes of implementing the program under this Code section and ensuring
38 that information made available through such program is periodically updated, the director
39 may select and enter into a contract with a public or private entity meeting such criteria and
40 qualifications as the commissioner determines appropriate.

41 (c) By December 31, 2011, and annually thereafter, the commissioner shall submit to the
42 General Assembly a report on the progress of the program under subsection (a) of this
43 Code section, including the extent to which information made available through the
44 program is accessed and the extent to which comments received under paragraph (4) of
45 subsection (a) of this Code section were used during the year involved to improve the
46 utility of the program.

47 (d) By December 31, 2011, the commissioner shall submit to the General Assembly a
48 report on the feasibility, potential costs, and potential benefits of making publicly available
49 through an Internet-based program de-identified payment and patient encounter
50 information for items and services furnished under Title XXI of the federal Social Security
51 Act which would not otherwise be included in the information collected under the federal
52 Medicaid Statistical Information System described in Section 1903(r)(1)(F) of such act and
53 made available under Section 1942 of such act, as added by Section 5008."

54 **SECTION 2.**

55 All laws and parts of laws in conflict with this Act are repealed.