



Physicians Caring for Texans

Senate Health and Human Services Committee
Senate Bill 1467 by Sen. Kelly Hancock
Testimony by Philip Bernard, MD, on behalf of
Texas Medical Association
April 12, 2023

Chair Kolkhorst and committee members, my name is Dr. Philip Bernard, and I'm a pediatrician as well as the chief medical information officer at Children's Health in Dallas. Thank you for the opportunity to testify on behalf of the Texas Medical Association in support of Senate Bill 1467.

The 21st Century Cures Act is a federal law enacted in 2016. It encompassed many positive changes, including improving health IT interoperability and immediate patient access to electronic health data. As a CMIO, I fully support these goals and have been advocating for these provisions for over a decade. My colleagues and I have concerns, however, about how the Cures Act has been implemented, especially regarding sensitive and life-changing test results.

According to federal rules, if a physician or health provider offers a patient portal, they generally must release test results immediately to the patient through the portal. This applies regardless of the type of test or whether the patient may need emotional support, especially when bad news must be communicated. The unfortunate reality is that patients ARE receiving sensitive and life-changing test results prior to their physician being notified. Patients deserve better. They deserve someone to be with them during their time of need, to answer questions and discuss next steps. Fortunately, federal law allows states to enact their own protections. This bill restores physician's ability to act as a trusted advisor when the patient needs him or her most, while reaffirming patients' right to access their data.

By incorporating a brief electronic delay of test results that likely could contain unwelcome news, we can better support our patients.

Thank you for the opportunity to provide comments in support of SB 1467. I am happy to answer any questions.