

BILL ANALYSIS

H.B. 1616
By: Thompson, Senfronia
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties express concern regarding the lack of protection from liability for a mental health provider who reports what the provider believes to be a probability of imminent physical injury by a patient to the patient or others or an immediate mental or emotional injury to the patient. H.B 1616 seeks to provide such civil liability protection.

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

H.B. 1616 amends the Health and Safety Code to include mental health personnel among the individuals authorized to disclose confidential mental health records information if the professional determines that there is a probability of imminent physical injury by the patient to the patient or others or that there is a probability of immediate mental or emotional injury to the patient. The bill specifies that the authorization to make such a disclosure applies to a determination made in good faith. The bill grants immunity from civil liability in an action brought against a person for disclosing confidential information certain health professionals who in good faith make such a disclosure to medical, mental health, or law enforcement personnel.

EFFECTIVE DATE

September 1, 2017.