

BILL ANALYSIS

H.B. 461
By: Thompson, Senfronia
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Mental health professionals treat patients with a wide variety of diagnoses and are not allowed to disclose confidential information about their patients except under certain circumstances. In the course of treatment, patients may display behaviors that would cause such a professional to reasonably believe that the patient may cause harm to himself or herself or to others. In response to these situations, many states have adopted rules regarding reporting that behavior. Concerns have been raised over the lack of protections from civil liability in Texas for these health professionals who disclose confidential information regarding the probability of imminent physical injury by a patient to the patient or others or immediate mental or emotional injury to the patient. H.B. 461 seeks to address these concerns by providing for such protections.

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. 461 amends the Health and Safety Code to include mental health personnel among those to whom certain professionals may disclose confidential information if the professional determines that there is a probability of imminent physical injury by a 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 determinations on which such disclosures may be based are determinations made in good faith. The bill grants a professional who is authorized to practice medicine in any state or nation or who is licensed or certified by the state to diagnose, evaluate, or treat any mental or emotional condition or disorder, and who in good faith discloses confidential information to medical, mental health, or law enforcement personnel based on such a determination, immunity from civil liability in an action brought against the professional for the disclosure.

EFFECTIVE DATE

September 1, 2019.