

BILL ANALYSIS

H.B. 2052
By: Klick
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

When consumers lack access to certain hospital inspection and investigation information as they make decisions about hospital care, they may depend on other sources, such as online reviews, that may not be an accurate guide for finding quality hospitals. H.B. 2052 seeks to provide access to this information by, among other things, subjecting to disclosure under state public information law certain information possessed, obtained, or compiled by the Health and Human Services Commission in connection with a complaint and investigation concerning a hospital or mental health hospital.

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. 2052 amends the Health and Safety Code to clarify that provisions relating to the confidentiality of information and materials obtained or compiled by the Health and Human Services Commission (HHSC) in connection with a complaint and investigation concerning a hospital or mental hospital also apply to information and materials otherwise in the possession of HHSC. The bill includes the following among the information regarding such complaints and investigations that is subject to disclosure under state public information law:

- the number of investigations HHSC has conducted of a hospital or mental hospital;
- the outcome of each investigation, including any applicable disciplinary action as specified by the bill; and
- an investigative report issued by HHSC to address an alleged violation.

The bill provides that information is subject to such disclosure only to the extent that all personally identifiable information of a patient or health care provider is omitted from the information. The bill specifies that the administrative proceedings for which the pleadings are subject to disclosure are proceedings to impose a penalty against a hospital or mental hospital for an alleged violation.

H.B. 2052 requires HHSC to post the following information on its website not later than the 90th day after the date HHSC issues a final decision, investigative report, or order to address a hospital's or mental hospital's alleged violation:

- the notice of alleged violation;
- the name and geographic location of the hospital or mental hospital;
- the date HHSC issued the decision, report, or order; and

- the outcome of the investigation, including any applicable disciplinary action.

The bill prohibits HHSC from removing that information from the website before the second anniversary of the date the information is posted.

H.B. 2052 establishes that provisions relating to investigations of hospitals and mental hospitals and related records, as amended by the bill, do not preclude a hospital or mental hospital from releasing medical records in its possession on request of the patient who is the subject of the record or to the patient, the patient's parent or guardian if the patient is a minor or incapacitated, or the patient's personal representative if the patient is deceased.

EFFECTIVE DATE

September 1, 2021.