

BILL ANALYSIS

H.B. 4295
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Hospitals submit public information requests for copies of final autopsy reports related to pending criminal investigations or prosecutions for several reasons, including quality assurance and evaluation, anatomical gift processing, and trauma certification. Because hospitals must submit requests for final autopsy reports via public information requests, fulfilling these requests in effect releases the reports to the public. While these are incredibly important functions that ensure our hospitals continue to maintain lifesaving standards at a time when maximum capacity is being tested, releasing information related to these requests can jeopardize an ongoing criminal case. Thus, interested parties suggest this information needs to be shared in a way that protects its confidentiality. H.B. 4295 allows for hospitals to obtain the information they need directly from the medical examiner without compromising the integrity of a criminal investigation by establishing that the information as released is not subject to state public information law.

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. 4295 amends the Code of Criminal Procedure to authorize a medical examiner to release a copy of an autopsy report of a deceased person to any organ and tissue procurement organization, hospital, or other covered entity that treated the deceased person before death or procured any anatomical gift from the body of the deceased person. The bill establishes that the release of the report is not considered a disclosure under state public information law and that the report is confidential and not subject to disclosure under that law. The bill provides for the meaning of "covered entity" by reference to Health and Safety Code provisions governing medical records privacy.

EFFECTIVE DATE

September 1, 2021.