

- SUBJECT:** Exempting certain professionals from civil liability if acting in good faith
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 10 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Cortez, Guerra, Klick, Oliverson, Zedler
- 0 nays
- 1 absent — Collier
- WITNESSES:** For — Frances Douglas, Texas Psychological Association; (*Registered, but did not testify*: Christine Yanas, Methodist Healthcare Ministries of South Texas; Greg Hansch, National Alliance on Mental Illness (NAMI) TX; Will Francis, National Association of Social Workers - Texas Chapter; Nora Belcher, Texas e-Health Alliance; Dan Finch, Texas Medical Association; David White, Texas Psychological Association)
- Against — None
- BACKGROUND:** Health and Safety Code, sec. 611.004, addresses authorized disclosure of confidential information other than in a judicial or administrative proceeding. This section allows a professional to disclose confidential information to medical or law enforcement personnel if the professional determines that there is a probability of imminent physical injury by the patient to the patient or others or there is a probability of immediate mental or emotional injury to the patient. A "professional" includes a doctor, a person licensed or certified in Texas to diagnose, evaluate, or treat any mental or emotional condition or disorder, or a person the patient reasonably believed to be authorized, licensed, or certified. This section of statute does not explicitly exempt from civil liability a professional who discloses confidential information.
- DIGEST:** HB 1616 would allow a professional to disclose confidential information to mental health personnel as well as to medical or law enforcement personnel if the professional in good faith determined that there was a

probability of imminent physical injury by the patient to the patient or others or there was a probability of immediate mental or emotional injury to the patient.

Professionals who made such a disclosure in good faith would be immune from civil liability in an action brought against them for disclosing the confidential information.

The bill would take effect September 1, 2017, and would apply to a disclosure made on or after that date.