

- SUBJECT:** Fifteen-year retention of medical exam records of sexual assault victims
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 10 ayes — S. Thompson, Wray, Allison, Coleman, Frank, Guerra, Ortega, Price, Sheffield, Zedler
- 0 nays
- 1 absent — Lucio
- WITNESSES:** For — (*Registered, but did not testify:* Adam Cahn, Cahnman's Musings; Chris Kaiser, Texas Association Against Sexual Assault; Deneen Robinson, The Afiya Center)
- Against — None
- On — Sonja Eddleman; (*Registered, but did not testify:* Kristi Jordan and Rachel Turner, Health and Human Services Commission; Steve Wohleb, Texas Hospital Association)
- BACKGROUND:** Health and Safety Code sec. 241.103 authorizes hospitals to dispose of a patient's medical records 10 years after the patient was last treated in the hospital.
- Occupations Code sec. 153.003 requires the Texas Medical Board to establish through rules the period for which physicians must maintain patient records.
- Some have questioned whether the 10-year time frame for retaining medical records is long enough, as there currently is a large backlog of sexual assault kits to be tested and information contained in the medical records could be important in the criminal justice process.
- DIGEST:** CSHB 531 would prohibit hospitals from destroying medical records from forensic medical examinations of sexual assault victims until 15 years

after the record was created.

Rules adopted by the Texas Medical Board on the retention of patient records would have to prohibit a physician from destroying a medical record from a forensic medical examination of a sexual assault victim until 15 years after the record was created.

The bill would take effect September 1, 2019, and would apply only to medical records created on or after that date.