CHAPTER 1003

H.B. No. 4029

AN ACT
relating to the release of certain health care information.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 241.151(2), Health and Safety Code, is amended to read as follows:

(2) "Health care information" means information, including payment information, recorded in any form or medium that identifies a patient and relates to the history, diagnosis, treatment, or prognosis of a patient.

SECTION 2. Section 241.154, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsection (f) to read as follows:

(a) On receipt of a written authorization from a patient or legally authorized representative to examine or copy all or part of the patient's recorded health care information, except payment information, or for disclosures under Section 241.153 not requiring written authorization, a hospital or its agent, as promptly as required under the circumstances but not later than the 15th day after the date the request and payment authorized under Subsection (b) are received, shall:

(1) make the information available for examination during regular business hours and provide a copy to the requestor, if requested; or
(2) inform the authorized requestor if the information does not exist or cannot be found.

(b) Except as provided by Subsection (d), the hospital or its agent may charge a reasonable fee for providing the health care information except payment information and is not required to permit the examination, copying, or release of the information requested until the fee is paid unless there is a medical emergency. The fee may not exceed the sum of:

(1) a basic retrieval or processing fee, which must include the fee for providing the first 10 pages of the copies and which may not exceed $30; and
(A) a charge for each page of:
(i) $1 for the 11th through the 60th page of the provided copies;
(ii) 50 cents for the 61st through the 400th page of the provided copies; and
(iii) 25 cents for any remaining pages of the provided copies; and
(B) the actual cost of mailing, shipping, or otherwise delivering the provided copies;

(2) if the requested records are stored on [any] microform [or other electronic medium], a retrieval or processing fee, which must include the fee for providing the first 10 pages of the copies and which may not exceed $45; and
(A) $1 per page thereafter; and
(B) the actual cost of mailing, shipping, or otherwise delivering the provided copies; or
(3) if the requested records are provided on a digital or other electronic medium and the requesting party requests delivery in a digital or electronic medium, including electronic mail:
(A) a retrieval or processing fee, which may not exceed $75; and
(B) the actual cost of mailing, shipping, or otherwise delivering the provided copies.

(f) A request from a patient or legally authorized representative for payment information is subject to Section 311.002.
SECTION 3. The change in law made by this Act applies only to the disclosure or exchange of health care information under Subchapter G, Chapter 241, Health and Safety Code, on or after the effective date of this Act. The disclosure or exchange of health care information before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on May 5, 2009: Yeas 144, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 4029 on May 21, 2009: Yeas 91, Nays 44, 2 present, not voting; passed by the Senate, with amendments, on May 18, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 1004

H.B. No. 4043

AN ACT
relating to notifications to certain purchasers of real property that may be located in an area subject to a certificate of convenience and necessity for water or sewer service.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 13.257(c), Water Code, is amended to read as follows:

(c) This section does not apply to:

(1) a transfer of title under any type of lien foreclosure;
(2) a transfer of title by deed in cancellation of indebtedness secured by a lien on the property conveyed;
(3) a transfer of title by reason of a will or probate proceeding;
(4) a transfer of title to or from a governmental entity;
(5) a transfer of title to property located within the corporate limits of a municipality that is served by a municipally owned utility;
(6) a transfer of title to property that receives water or sewer service from a utility service provider on the date the property is transferred;
(7) a transfer of title by a trustee in bankruptcy;
(8) a transfer of title by a mortgagee or beneficiary under a deed of trust who acquired the property:
    (A) at a sale conducted under a power of sale conferred by a deed of trust or other contract lien;
    (B) at a sale under a court judgment foreclosing a lien; or
    (C) by a deed in lieu of foreclosure;
(9) a transfer of title from one co-owner to another co-owner;
(10) a transfer of title between spouses or to a person in the lineal line of consanguinity of the transferor; or
(11) a transfer of a mineral interest, leasehold interest, or security interest.

SECTION 2. The change in law made by this Act applies only to a proposal to sell or convey real property made on or after the effective date of this Act. A proposal to sell or convey real property made before the effective date of this Act is covered by the law in effect when the proposal was made, and the former law is continued in effect for that purpose.