

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1607
By: Moncrief
Health & Human Services
4-18-97
Committee Report (Substituted)

DIGEST

Currently, there is no requirement in either the Texas Medical Practice Act or the rules and regulations of the State Board of Medical Examiners that define the length of time during which a physician must maintain medical records. Doctors are uncertain as to when they may dispose of records, which records may be disposed of, and the proper procedure for disposal. The cost of maintaining large quantities of records is burdensome upon doctors. This bill would require the Texas Board of Medical Examiners to establish the length of time patient records must be maintained.

PURPOSE

As proposed, C.S.S.B. 1607 requires the Texas Board of Medical Examiners to establish the length of time patient records must be maintained.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Board of Medical Examiners in SECTION 1 (Section 5.085, Article 4495b, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amend Subchapter E, Article 4495b, V.T.C.S. (Medical Practice Act), by adding Section 5.085, as follows:

Sec. 5.085. RETENTION OF MEDICAL RECORDS. Requires the Texas Board of Medical Examiners (board), by rule, to establish the length of time patient records must be maintained.

SECTION 2. Requires the board to adopt rules for the retention of medical records under Section 5.085, Article 4495b, V.T.C.S., as added by this Act, by January 1, 1998.

SECTION 3. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Subchapter E, Article 4495b, V.T.C.S., to add Section 5.085, requiring the Texas Board of Medical Examiners to establish the length of time patient records must be maintained. Originally, proposed Section 5.085 set forth the guidelines for the retention and disposal of medical records by licensed physicians.

SECTION 2.

Adds relevant session law regarding adoption of rules by January 1, 1998.

SECTION 3.

Adds the emergency clause and the effective date.