

## **BILL ANALYSIS**

Senate Research Center

S.B. 975  
By: Madla  
Health & Human Services  
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As Filed

### **DIGEST**

Currently, the disclosure of a patient's hospital records is governed by guidelines in S.B. 667, enacted by the 74th Legislature. Since the implementation of that Act, several problems have arisen regarding the interpretation of its provisions, most notably, the interpretation of the term "court subpoena." This legislation replaces the term "court subpoena" with specific procedural references to the Civil Practice and Remedies Code and the Texas Rules of Civil Procedure, and further establishes the appropriate disclosure of certain health care information by a hospital.

### **PURPOSE**

As proposed, S.B. 975 provides for the disclosure of health care information by certain health care providers.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 241.151, Health and Safety Code, to define "directory information" and redefine "legally authorized representative." Makes conforming changes.

SECTION 2. Amends Section 241.152(a), Health and Safety Code, to prohibit a hospital or an agent or employee of a hospital from disclosing health care information about a patient to any person other than the patient or the patient's legally authorized representative without the written authorization of those persons, with certain exceptions.

SECTION 3. Amends Section 241.153, Health and Safety Code, to set forth the terms under which a patient's health care information is authorized to be disclosed without the patient's authorization if the disclosure is directory information; authorized by an applicable professional health care licensing act; to a transporting emergency medical services provider; made by a member of the clergy carrying out the member's duties; to a qualified organ or tissue procurement organization regarding potential donations; to a prospective health care provider regarding services; to a person authorized to consent to medical treatment to facilitate the adequate provision of treatment; to the American Red Cross; to a regional poison control center; to a health care utilization review agent; to facilitate reimbursement to a hospital, rather than to facilitate reimbursement by a health benefit plan to a hospital; to comply with a court order; or related to a judicial proceeding in which the patient is a party and the disclosure is requested under subpoena, rather than to a court pursuant to a court order or court subpoena. Makes conforming changes.

SECTION 4. Amends Section 241.154, Health and Safety Code, to require a hospital or its agent, as promptly as required but not later than the 15th day after the date the request and payment authorized are received, to make certain information available on receipt of a written authorization from a patient or legally authorized representative. Establishes the conditions under which the hospital or its agent is authorized to charge a reasonable fee, and provides that neither is required to permit the release of the information requested until the fee is paid, unless there is a medical emergency. Prohibits a hospital from charging a fee for certain services. Requires the fee for providing health care information, effective September 1, 1996, and annually thereafter, to be

adjusted accordingly based on the most recent changes to the consumer price index as published by the Bureau of Labor Statistics of the U.S. Department of Labor.

SECTION 5. Repealer: Section 241.152(g), Health and Safety Code (regarding hospital fees for providing health care information).

SECTION 6. Emergency clause.  
Effective date: upon passage.