

BILL ANALYSIS

Senate Research Center
77R7996 MXM-D

H.B. 398
By: Smith (Nelson)
Health & Human Services
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Engrossed

DIGEST AND PURPOSE

In some instances, there has been confusion over the ability or right of an individual to procure personal billing records regarding medical services provided to the individual. While physicians are required to provide medical records within a set time period after receiving a written request, current law does not specify a time limit for billing records, and individuals may have to wait a lengthy period of time to receive their records. H.B. 398 includes billing records in medical record provisions related to physician-patient communication.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas State Board of Medical Examiners in SECTION 6 (Section 159.0061, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 159.001, Occupations Code, as follows:

Sec. 159.001. New heading: DEFINITIONS. Defines “billing record” and “medical record.”
Makes a conforming change.

SECTION 2. Amends Section 159.003(a), Occupations Code, to provide that an exception to the privilege of confidentiality in a court or administrative proceeding exists in a disciplinary investigation or proceeding conducted under this subtitle, if the board protects the identity of any patient whose billing records are examined other than certain patients. Makes conforming changes.

SECTION 3. Amends Section 159.004, Occupations Code, to delete existing text relating to charges on medical records and the written consent of the patient.

SECTION 4. Amends Section 159.005(b), Occupations Code, to require the written consent to specify the billing records, medical records, or other information to be covered by the release.

SECTION 5. Amends Section 159.006, Occupations Code, to require the physician, if the physician denies the request, in whole or in part, to place a copy of the statement denying the request in the patient’s billing records, if the request was for billing records, or in the medical records, of the request was for medical records. Makes conforming changes.

SECTION 6. Amends Chapter 159, Occupations Code, by adding Section 159.0061, to conform to Section 1, Chapter 636, Acts of the 76th Legislature, Regular Session, 1999, as follows:

Sec. 159.0061. APPOINTMENT OF CUSTODIAN OF PHYSICIAN’S RECORDS.
Requires the Texas State Board of Medical Examiners (board) by rule to establish conditions under which the board may temporarily or permanently appoint a person as a custodian of a physician’s billing or medical records. Requires the board, in adopting rules under this section, to consider the death of a physician, the mental or physical incapacitation of a physician, and

the abandonment of billing or medical records by a physician. Sets forth certain requirements for the rules adopted under this section.

SECTION 7. Amends Section 159.008, Occupations Code, to make conforming changes.

SECTION 8. (a) Provides that the text of Section 159.006, Occupations Code, as set out in Section 5 of this Act, in accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, gives effect to changes made by Chapter 636, Acts of the 76th Legislature, Regular Session, 1999.

(b) Provides that, to the extent of any conflict, this Act prevails over another Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions and corrections in enacted codes.

SECTION 9. Effective date: upon passage or September 1, 2001.