

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1113
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Health & Human Services
4/14/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, hospitals cannot provide health care information to transporting emergency medical services (EMS) providers for billing purposes without violating state law unless the patient signs an authorization. Patients are often unable to sign such an authorization. EMS providers need the information to bill third party payors and the hospital is often the only available source of the information. Without access to the information EMS providers are unable to bill third party payors.

C.S.S.B. 1113 allows hospitals to release health care information to transporting EMS providers for the purposes of treatment or payment, to the same extent that information would be available under federal regulations.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 241.153, Health and Safety Code, as follows:

Sec. 241.153. DISCLOSURE WITHOUT WRITTEN AUTHORIZATION. Authorizes a patient's health care information to be disclosed without the patient's authorization if the disclosure is to a transporting emergency medical services provider for the purpose of treatment or payment, as those terms are defined by the regulations adopted under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191); certain health care operations described by the regulations adopted under the Health Insurance Probability and Accountability Act of 1996; and to satisfy a request for medical records of a deceased or incompetent person pursuant to Section 74.051(e) (Notice), Civil Practice and Remedies Code. Deletes existing text relating to the disclosure being for the sole purpose of determining the patient's diagnosis and text referencing the Medical Liability and Insurance Improvement Act of Texas.

SECTION 2. Effective date: September 1, 2005.