

BILL ANALYSIS

Senate Research Center
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H.B. 118
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas hospital licensing law generally allows a licensed hospital to dispose of a medical record on or after the 10th anniversary on which the patient who is the subject of the record was last treated in the hospital. There are statutory exceptions to this 10-year retention requirement for the records of minors, and for records relating to any matter in litigation. Situations have arisen in which patients who may have been unaware of the existing retention law have requested copies of their medical records after the 10-year retention period has passed, and the record already has been lawfully disposed of by the hospital.

H.B. 118 would require a licensed hospital to provide written notice to a patient, or the patient's legally authorized representative, that the hospital may authorize the disposal of medical records relating to the patient on or after the periods specified in the existing hospital licensing law. The written notice must be provided not later than the date on which the patient who is or will be the subject of a medical record is treated, except in an emergency treatment situation. In an emergency treatment situation, the notice must be provided to the patient or the patient's legally authorized representative as soon as is reasonably practicable following the emergency treatment situation.

H.B. 118 amends current law relating to requiring the provision of notice by certain hospitals regarding patients' medical records.

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 241.103, Health and Safety Code, by adding Subsection (d), as follows:

(d) Requires a hospital to provide written notice to a patient, or a patient's legally authorized representative as that term is defined by Section 241.151 (Definitions), that the hospital, unless the exception in Subsection (c) (relating to prohibiting the hospital from destroying medical records that relate to any matter that is involved in litigation if the hospital knows the litigation has not been finally resolved) applies, to authorize the disposal of medical records relating to the patient on or after the periods specified in this section. Requires that the notice be provided to the patient or the patient's legally authorized representative not later than the date on which the patient who is or will be the subject of a medical record is treated, except in an emergency treatment situation. Requires that the notice, in an emergency treatment situation, be provided to the patient or the patient's legally authorized representative as soon as is reasonably practicable following the emergency treatment situation.

SECTION 2. Effective date: September 1, 2011.