

BILL ANALYSIS

Senate Research Center
84R3373 SRS-F

S.B. 1733
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Occupations Code is ambiguous as to when a physician's office is required to release medical records under a court subpoena or order when the patient is not a party to the case. The statute for hospitals is clear, as hospitals may release records under any subpoena when the patient is a party to the case. If the patient is not a party to the case, a hospital does not disclose the information unless there is a court order. S.B. 1733 would bring the same clarity that hospitals enjoy to physician offices by aligning the Occupations Code with the Health and Safety Code, which governs hospitals. This uniformity will alleviate an administrative burden on physician offices and ensure patient confidentiality is protected in the release of records. This clarification is especially important as different types of health care providers often partner together and operate within the same system.

As proposed, S.B. 1733 amends current law relating to the confidentiality of a physician's patient information in certain judicial proceedings.

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 159.003(a), Occupations Code, as follows:

(a) Provides that an exception to the privilege of confidentiality in a court or administrative proceeding exists:

(1)-(10) Makes no change to these subdivisions;

(11) Makes a nonsubstantive change;

(12) to comply with a court order, except as provided by Subdivision (13), rather than to a court or a party to an action under a court order or court subpoena; or

(13) in a judicial proceeding in which the patient is a party and the disclosure is requested under a subpoena issued under the Texas Rules of Civil Procedure, the Code of Criminal Procedure, or Chapter 121 (Acknowledgments and Proofs of Written Instruments), Civil Practice and Remedies Code.

SECTION 2. Effective date: September 1, 2015.