

## **BILL ANALYSIS**

Senate Research Center  
86R19404 EAS-F

H.B. 1901  
By: Bonnen, Greg (Taylor)  
State Affairs  
5/14/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 1901 amends current law relating to the disclosure of certain mental health records of deceased state hospital patients.

### **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 Chapter 611, Health and Safety Code, by adding Section 611.0041, as follows:

Sec. 611.0041. REQUIRED DISCLOSURE OF CONFIDENTIAL INFORMATION OTHER THAN IN JUDICIAL OR ADMINISTRATIVE PROCEEDING. (a) Defines "patient" and "state hospital" for purposes of this section.

(b) Requires a professional, to the extent permitted by federal law, to disclose confidential information to the descendant of a patient of a state hospital if:

(1) the patient has been deceased for at least 50 years; and

(2) the professional does not have information indicating that releasing the medical record is inconsistent with any prior expressed preference of the deceased patient or personal representatives of the deceased patient's estate.

(c) Prohibits a person who receives information from confidential communications or records from disclosing the information except to the extent that disclosure is consistent with the authorized purposes for which the person first obtained the information.

SECTION 2. Effective date: September 1, 2019.