

BILL ANALYSIS

Senate Research Center

H.B. 531
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns that, due to a backlog of sexual assault kits, the current period for which hospitals and physicians must keep medical records for patients, including sexual assault victims, is not sufficient to ensure that victims are afforded their right to due process. H.B. 531 seeks to address these concerns by extending the records retention period for hospitals and physicians with respect to the medical records of a sexual assault victim. Under the bill's provisions, H.B. 531 would prohibit medical records from forensic medical examinations of sexual assault victims from being destroyed until 20 years after the record was created.

H.B. 531 amends current law relating to the retention by hospitals and physicians of certain medical records of a sexual assault victim.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Medical Board is modified in SECTION 2 (Section 153.003, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 241, Health and Safety Code, by adding Section 241.1031, as follows:

Sec. 241.1031. PRESERVATION OF RECORD FROM FORENSIC MEDICAL EXAMINATION. (a) Prohibits a hospital from destroying a medical record from the forensic medical examination of a sexual assault victim conducted under Article 56.06 (Forensic Medical Examination For Sexual Assault Victim Who Has Reported Assault; Costs) or 56.065 (Medical Examination For Sexual Assault Victim Who Has Not Reported Assault; Costs), Code of Criminal Procedure, until the 20th anniversary of the date the record was created.

(b) Authorizes a hospital to maintain a medical record described by Subsection (a) in the same form in which the hospital maintains other medical records.

SECTION 2. Amends Section 153.003, Occupations Code, as follows:

Sec. 153.003. RULES REGARDING MAINTENANCE OF PATIENT RECORDS. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires the rules adopted under this section to prohibit a physician from destroying a medical record from the forensic medical examination of a sexual assault victim conducted under Article 56.06 or 56.065, Code of Criminal Procedure, until the 20th anniversary of the date the record was created.

SECTION 3. Makes application of this Act prospective to March 1, 2020.

SECTION 4. Effective date: September 1, 2019.