BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The federal HIPAA statute protects the privacy of patient medical records, effectively barring the health care provider from releasing the records to third parties in most situations without the authorization of the patient.

When the patient has filed a lawsuit seeking damages that include a health care component (either a medical malpractice suit or a personal injury suit claiming the cost of the medical treatment as an element of damages), the defendant is entitled to review the medical records. Until last session, Texas did not have a standard release form for these records, which caused confusion.

The 85th Legislature passed H.B. 2981, which placed in statute the form to be used for the release of the medical records. However, there was a typographical error in the bill—the place on the form where the patient was supposed to state his or her date of birth was instead mislabeled "Place of birth," which is considerably less helpful in ensuring that the correct patient's records are released.

S.B. 1565 would rectify the typographical error by replacing "Place of birth" on the form with the more useful "Date of birth," as was originally intended. (Original Author's/Sponsor's Statement of Intent)

S.B. 1565 amends current law relating to the medical authorization required to release protected health information in a health care liability claim.

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 74.052(c), Civil Practice and Remedies Code, to require the medical authorization form required by this section (Authorization Form For Release of Protected Health Information) to contain certain language, including requesting a patient's date of birth, rather than the patient's place of birth.

SECTION 2. Effective date: September 1, 2019.