

By: Bettencourt

S.B. No. 2064

A BILL TO BE ENTITLED

AN ACT

relating to the dissemination of patient information through a telemedicine, telehealth, or teledentistry service.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 111, Occupations Code, is amended by adding Section 111.010 to read as follows:

Sec. 111.010. RESTRICTION ON SALE OR SHARING OF PATIENT INFORMATION. (a) In this section:

(1) "Patient information" means any information relating to:

(A) the past, present, or future physical or mental health condition of an individual;

(B) the provision of health care to an individual; or

(C) the past, present, or future payment for the provision of health care to an individual.

(2) "Social media platform" has the meaning assigned by Section 120.001, Business & Commerce Code.

(b) A physician, health professional, or dentist may not provide a telemedicine medical service, telehealth service, or teledentistry dental service, as applicable, through an entity that provides telecommunications or information technology to enable the service if the entity engages in the sale of the patient information of a patient of the physician, health professional, or

1 dentist to or otherwise shares the patient information with a
2 social media platform.

3 (c) A physician, health professional, or dentist who
4 knowingly violates this section is subject to disciplinary action
5 by the applicable licensing entity, unless the physician, health
6 professional, or dentist had received written assurances from the
7 entity providing telecommunications or information technology that
8 the entity appropriately safeguards patient information of the
9 physician's, health professional's, or dentist's patients.

10 (d) An entity that provides telecommunications or
11 information technology to enable a telemedicine medical service,
12 telehealth service, or teledentistry service may not sell or
13 otherwise share patient information with a social media platform.
14 A violation of this subsection may be enforced in the same manner as
15 a violation of Chapter 181, Health and Safety Code, is enforced
16 under Subchapter E of that chapter.

17 (e) A licensing entity may adopt rules necessary to
18 implement this section.

19 SECTION 2. This Act takes effect September 1, 2023.