

By: Martinez Fischer

H.B. No. 419

A BILL TO BE ENTITLED

AN ACT

relating to public access to certain information and materials.

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

SECTION 1. The following sections of the Occupations Code are repealed:

- (1) Sections 401.2535(h) and (i);
- (2) Sections 402.154(h) and (i);
- (3) Sections 451.110(h) and (i);
- (4) Sections 502.2045(h) and (i);
- (5) Sections 503.2545(h) and (i);
- (6) Sections 505.2545(h) and (i);
- (7) Sections 602.1525(h) and (i);
- (8) Sections 603.2041(h) and (i);
- (9) Sections 605.2021(h) and (i); and
- (10) Sections 701.2041(h) and (i).

SECTION 2. Sections 8C(h) and (i), Chapter 462, Acts of the 68th Legislature, Regular Session, 1983 (Article 4413(51), Vernon's Texas Civil Statutes), are repealed.

SECTION 3. Sections 241.051(d) and (e), Health and Safety Code, are amended to read as follows:

(d) Information [~~All information and materials~~] obtained or compiled by the department in connection with a complaint or [~~and~~] investigation that is [~~concerning a hospital are~~] confidential by law remains confidential and is [~~and~~] not subject to disclosure

1 under Chapter 552 [~~Section 552.001 et seq.~~], Government Code[, and
2 not subject to disclosure, discovery, subpoena, or other means of
3 legal compulsion for their release to anyone other than the
4 department or its employees or agents involved in the enforcement
5 action except that this information may be disclosed to:

6 ~~[(1) persons involved with the department in the
7 enforcement action against the hospital,~~

8 ~~[(2) the hospital that is the subject of the
9 enforcement action, or the hospital's authorized representative,~~

10 ~~[(3) appropriate state or federal agencies that are
11 authorized to inspect, survey, or investigate hospital services,~~

12 ~~[(4) law enforcement agencies; and~~

13 ~~[(5) persons engaged in bona fide research, if all
14 individual-identifying and hospital-identifying information has
15 been deleted].~~

16 ~~[(c) The following information is subject to disclosure in
17 accordance with Section 552.001 et seq., Government Code:~~

18 ~~[(1) a notice of alleged violation against the
19 hospital, which notice shall include the provisions of law which
20 the hospital is alleged to have violated, and a general statement of
21 the nature of the alleged violation,~~

22 ~~[(2) the pleadings in the administrative proceeding,
23 and~~

24 ~~[(3) a final decision or order by the department.]~~

25 SECTION 4. Sections 577.013(d) and (e), Health and Safety
26 Code, are amended to read as follows:

27 (d) Information [~~All information and materials~~] obtained or

1 compiled by the department in connection with a complaint or [~~and~~]
2 investigation that is [~~concerning a mental hospital licensed under~~
3 ~~this chapter are~~] confidential by law remains confidential and is
4 [~~and~~] not subject to disclosure under Chapter 552, Government
5 Code [~~, discovery, subpoena, or other means of legal compulsion for~~
6 ~~their release to anyone other than the department or its employees~~
7 ~~or agents involved in the enforcement action except that this~~
8 ~~information may be disclosed to:~~

9 ~~[(1) persons involved with the department in the~~
10 ~~enforcement action against the licensed mental hospital,~~

11 ~~[(2) the licensed mental hospital that is the subject~~
12 ~~of the enforcement action, or the licensed mental hospital's~~
13 ~~authorized representative,~~

14 ~~[(3) appropriate state or federal agencies that are~~
15 ~~authorized to inspect, survey, or investigate licensed mental~~
16 ~~hospital services,~~

17 ~~[(4) law enforcement agencies, and~~

18 ~~[(5) persons engaged in bona fide research, if all~~
19 ~~individual-identifying information and information identifying the~~
20 ~~licensed mental hospital has been deleted].~~

21 ~~[(c) The following information is subject to disclosure in~~
22 ~~accordance with Section 552.001 et seq., Government Code:~~

23 ~~[(1) a notice of alleged violation against the~~
24 ~~licensed mental hospital, which notice shall include the provisions~~
25 ~~of law which the licensed mental hospital is alleged to have~~
26 ~~violated, and the nature of the alleged violation,~~

27 ~~[(2) the pleadings in the administrative proceeding,~~

1 and

2 [~~(3) a final decision or order by the department.~~]

3 SECTION 5. This Act takes effect September 1, 2003.