

By: Farabee

H.B. No. 2197

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to releasing personal information for grave markers at  
3 TDMHMR cemeteries.

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

5 SECTION 1. Section 576.005, Health and Safety Code, is  
6 amended to read as follows:

7 Sec. 576.005. CONFIDENTIALITY OF RECORDS. (a) Records of a  
8 mental health facility that directly or indirectly identify a  
9 present, former, or proposed patient are confidential unless  
10 disclosure is permitted by other state law.

11 (b) In the event that a person dies while a patient at a  
12 mental health facility, the facility may release to an employee or  
13 agent of a funeral home, cemetery or other appropriate person the  
14 name, date of birth and date of death of the patient for the purpose  
15 of including such information on the patient's grave marker, unless  
16 the patient or patient's guardian, if any, has provided to the  
17 facility administrator written instructions to the contrary.

18 SECTION 2. Section 595.001, Health and Safety Code, is  
19 amended to read as follows:

20 Sec. 595.001. CONFIDENTIALITY OF RECORDS. Records of the  
21 identity, diagnosis, evaluation, or treatment of a person that are  
22 maintained in connection with the performance of a program or  
23 activity relating to mental retardation are confidential and may be  
24 disclosed only for the purposes and under the circumstances

1 authorized under Sections 595.003, ~~[and]~~ 595.004 and 595.005.

2 SECTION 3. Section 595.005, Health and Safety Code, is  
3 amended by adding subsection (e) to read as follows:

4 (e) In the event that a person dies while a resident of a  
5 residential care facility, the facility may disclose, without the  
6 consent required under Section 595.003, the resident's name, date  
7 of birth and date of death to an employee or agent of a funeral home,  
8 cemetery or other appropriate person for the purpose of including  
9 such information on the resident's grave marker, unless the  
10 resident or resident's guardian, if any, has provided to the  
11 facility superintendent written instructions to the contrary.

12 SECTION 4. The importance of this legislation and the  
13 crowded condition of the calendars in both houses create an  
14 emergency and an imperative public necessity that the  
15 constitutional rule requiring bills to be read on three several  
16 days in each house be suspended, and this rule is hereby suspended,  
17 and that this Act take effect and be in force from and after its  
18 passage, and it is so enacted.