

By: Deuell

S.B. No. 1764

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to releasing personal information of former residents of  
3 mental health facilities for the purposes of preparing grave  
4 markers.

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

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

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

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

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

22 Sec. 595.001. CONFIDENTIALITY OF RECORDS. Records of the  
23 identity, diagnosis, evaluation, or treatment of a person that are  
24 maintained in connection with the performance of a program or

1 activity relating to mental retardation are confidential and may be  
2 disclosed only for the purposes and under the circumstances  
3 authorized under Sections 595.003, ~~[and]~~ 595.004, and 595.005.

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

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

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