

1-1 By: Deuell S.B. No. 1764
1-2 (In the Senate - Filed March 14, 2003; March 24, 2003, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 14, 2003, reported favorably, as amended, by the following
1-5 vote: Yeas 9, Nays 0; April 14, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Deuell

1-7 Amend S.B. No. 1764 as follows:

1-8 (1) In SECTION 1 of the bill, in added Subsection (b),
1-9 Section 576.005, Health and Safety Code (Introduced version, page
1-10 1, line 12; Committee printing page 1, line 29), strike "may" and
1-11 substitute "shall".

1-12 (2) In SECTION 3 of the bill, in added Subsection (e),
1-13 Section 595.005, Health and Safety Code (Introduced version, page
1-14 2, line 5; Committee printing page 1, line 47), strike "may" and
1-15 substitute "shall".

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to releasing personal information of former residents of
1-19 mental health facilities for the purposes of preparing grave
1-20 markers.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 576.005, Health and Safety Code, is
1-23 amended to read as follows:

1-24 Sec. 576.005. CONFIDENTIALITY OF RECORDS. (a) Records of
1-25 a mental health facility that directly or indirectly identify a
1-26 present, former, or proposed patient are confidential unless
1-27 disclosure is permitted by other state law.

1-28 (b) In the event that a person dies while a patient at a
1-29 mental health facility, the facility may release to an employee or
1-30 agent of a funeral home or cemetery or other appropriate person the
1-31 name, date of birth, and date of death of the patient for the
1-32 purpose of including such information on the patient's grave
1-33 marker, unless the patient or patient's guardian, if any, has
1-34 provided to the facility administrator written instructions to the
1-35 contrary.

1-36 SECTION 2. Section 595.001, Health and Safety Code, is
1-37 amended to read as follows:

1-38 Sec. 595.001. CONFIDENTIALITY OF RECORDS. Records of the
1-39 identity, diagnosis, evaluation, or treatment of a person that are
1-40 maintained in connection with the performance of a program or
1-41 activity relating to mental retardation are confidential and may be
1-42 disclosed only for the purposes and under the circumstances
1-43 authorized under Sections 595.003, ~~and~~ 595.004, and 595.005.

1-44 SECTION 3. Section 595.005, Health and Safety Code, is
1-45 amended by adding Subsection (e) to read as follows:

1-46 (e) In the event that a person dies while a resident of a
1-47 residential care facility, the facility may disclose, without the
1-48 consent required under Section 595.003, the resident's name, date
1-49 of birth, and date of death to an employee or agent of a funeral home
1-50 or cemetery or other appropriate person for the purpose of
1-51 including such information on the resident's grave marker, unless
1-52 the resident or resident's guardian, if any, has provided to the
1-53 facility superintendent written instructions to the contrary.

1-54 SECTION 4. The importance of this legislation and the
1-55 crowded condition of the calendars in both houses create an
1-56 emergency and an imperative public necessity that the
1-57 constitutional rule requiring bills to be read on three several
1-58 days in each house be suspended, and this rule is hereby suspended,
1-59 and that this Act take effect and be in force from and after its
1-60 passage, and it is so enacted.

1-61 * * * * *