

## **BILL ANALYSIS**

H.B. 2765  
By: Truitt  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

“Legally authorized representative” is a key term in Chapter 241, Subchapter G of the Health and Safety Code regarding the disclosure of health care information by hospitals. The existing state law allows hospital patients or their legally authorized representatives to authorize disclosure of the hospital patient’s medical record. The current definition of “legally authorized representative,” while comprehensive, needs to be clarified to address several situations that have occurred and which have raised questions concerning who is allowed to step in the shoes of the hospital patient to authorize disclosure of the patient’s medical record.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The bill redefines the meaning of "Legally authorized representative" by adding “a person authorized to consent to medical treatment under Chapter 313” and adds the term “heir of the patient, as defined by Section 3, Texas Probate Code.”

The bill deletes the term “statutory beneficiary” from the definition of “Legally authorized representative.”

The bill clarifies that a person (the “agent” or the “attorney in fact”) who holds a business power of attorney signed by another (the “principal”) may utilize that business power of attorney to authorize a hospital to disclose the principal’s medical records if the principal becomes incapacitated and if necessary to exercise the terms of the business power of attorney.

### **EFFECTIVE DATE**

September 1, 2005.