

By: Nixon

H.B. No. 739

A BILL TO BE ENTITLED

AN ACT

relating to updating citations in Chapter 241, Health and Safety Code.

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

SECTION 1. Section 241.153, Health and Safety Code, is amended to read as follows:

Sec. 241.153. DISCLOSURE WITHOUT WRITTEN AUTHORIZATION. A patient's health care information may be disclosed without the patient's authorization if the disclosure is:

(1) directory information, unless the patient has instructed the hospital not to make the disclosure or the directory information is otherwise protected by state or federal law;

(2) to a health care provider who is rendering health care to the patient when the request for the disclosure is made;

(3) to a transporting emergency medical services provider for the sole purpose of determining the patient's diagnosis and the outcome of the patient's hospital admission;

(4) to a member of the clergy specifically designated by the patient;

(5) to a qualified organ or tissue procurement organization as defined in Section 692.002 for the purpose of making inquiries relating to donations according to the protocol referred to in Section 692.013(d);

(6) to a prospective health care provider for the

1 purpose of securing the services of that health care provider as
2 part of the patient's continuum of care, as determined by the
3 patient's attending physician;

4 (7) to a person authorized to consent to medical
5 treatment under Chapter 313 or to a person in a circumstance
6 exempted from Chapter 313 to facilitate the adequate provision of
7 treatment;

8 (8) to an employee or agent of the hospital who
9 requires health care information for health care education, quality
10 assurance, or peer review or for assisting the hospital in the
11 delivery of health care or in complying with statutory, licensing,
12 accreditation, or certification requirements and if the hospital
13 takes appropriate action to ensure that the employee or agent:

14 (A) will not use or disclose the health care
15 information for any other purpose; and

16 (B) will take appropriate steps to protect the
17 health care information;

18 (9) to a federal, state, or local government agency or
19 authority to the extent authorized or required by law;

20 (10) to a hospital that is the successor in interest to
21 the hospital maintaining the health care information;

22 (11) to the American Red Cross for the specific
23 purpose of fulfilling the duties specified under its charter
24 granted as an instrumentality of the United States government;

25 (12) to a regional poison control center, as the term
26 is used in Chapter 777, to the extent necessary to enable the center
27 to provide information and education to health professionals

1 involved in the management of poison and overdose victims,
2 including information regarding appropriate therapeutic use of
3 medications, their compatibility and stability, and adverse drug
4 reactions and interactions;

5 (13) to a health care utilization review agent who
6 requires the health care information for utilization review of
7 health care under Article 21.58A, Insurance Code;

8 (14) for use in a research project authorized by an
9 institutional review board under federal law;

10 (15) to health care personnel of a penal or other
11 custodial institution in which the patient is detained if the
12 disclosure is for the sole purpose of providing health care to the
13 patient;

14 (16) to facilitate reimbursement to a hospital, other
15 health care provider, or the patient for medical services or
16 supplies;

17 (17) to a health maintenance organization for purposes
18 of maintaining a statistical reporting system as required by a rule
19 adopted by a state agency or regulations adopted under the federal
20 Health Maintenance Organization Act of 1973, as amended (42 U.S.C.
21 Section 300e [~~300~~] et seq.);

22 (18) to satisfy a request for medical records of a
23 deceased or incompetent person pursuant to Section 74.051(e), Civil
24 Practice and Remedies Code [~~4.01(e), Medical Liability and~~
25 ~~Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas~~
26 ~~Civil Statutes)];~~

27 (19) to comply with a court order except as provided by

1 Subdivision (20); or

2 (20) related to a judicial proceeding in which the
3 patient is a party and the disclosure is requested under a subpoena
4 issued under:

5 (A) the Texas Rules of Civil Procedure or Code of
6 Criminal Procedure; or

7 (B) Chapter 121, Civil Practice and Remedies
8 Code.

9 SECTION 2. This Act applies only to an act, including a
10 request or disclosure, made on or after the effective date of this
11 Act.

12 SECTION 3. This Act takes effect September 1, 2005.