

1-1 By: Nixon (Senate Sponsor - Duncan) H.B. No. 739
1-2 (In the Senate - Received from the House March 29, 2005;
1-3 March 30, 2005, read first time and referred to Committee on State
1-4 Affairs; May 2, 2005, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 2, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to updating citations in Chapter 241, Health and Safety
1-9 Code.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 241.153, Health and Safety Code, is
1-12 amended to read as follows:

1-13 Sec. 241.153. DISCLOSURE WITHOUT WRITTEN AUTHORIZATION. A
1-14 patient's health care information may be disclosed without the
1-15 patient's authorization if the disclosure is:

1-16 (1) directory information, unless the patient has
1-17 instructed the hospital not to make the disclosure or the directory
1-18 information is otherwise protected by state or federal law;

1-19 (2) to a health care provider who is rendering health
1-20 care to the patient when the request for the disclosure is made;

1-21 (3) to a transporting emergency medical services
1-22 provider for the sole purpose of determining the patient's
1-23 diagnosis and the outcome of the patient's hospital admission;

1-24 (4) to a member of the clergy specifically designated
1-25 by the patient;

1-26 (5) to a qualified organ or tissue procurement
1-27 organization as defined in Section 692.002 for the purpose of
1-28 making inquiries relating to donations according to the protocol
1-29 referred to in Section 692.013(d);

1-30 (6) to a prospective health care provider for the
1-31 purpose of securing the services of that health care provider as
1-32 part of the patient's continuum of care, as determined by the
1-33 patient's attending physician;

1-34 (7) to a person authorized to consent to medical
1-35 treatment under Chapter 313 or to a person in a circumstance
1-36 exempted from Chapter 313 to facilitate the adequate provision of
1-37 treatment;

1-38 (8) to an employee or agent of the hospital who
1-39 requires health care information for health care education, quality
1-40 assurance, or peer review or for assisting the hospital in the
1-41 delivery of health care or in complying with statutory, licensing,
1-42 accreditation, or certification requirements and if the hospital
1-43 takes appropriate action to ensure that the employee or agent:

1-44 (A) will not use or disclose the health care
1-45 information for any other purpose; and

1-46 (B) will take appropriate steps to protect the
1-47 health care information;

1-48 (9) to a federal, state, or local government agency or
1-49 authority to the extent authorized or required by law;

1-50 (10) to a hospital that is the successor in interest to
1-51 the hospital maintaining the health care information;

1-52 (11) to the American Red Cross for the specific
1-53 purpose of fulfilling the duties specified under its charter
1-54 granted as an instrumentality of the United States government;

1-55 (12) to a regional poison control center, as the term
1-56 is used in Chapter 777, to the extent necessary to enable the center
1-57 to provide information and education to health professionals
1-58 involved in the management of poison and overdose victims,
1-59 including information regarding appropriate therapeutic use of
1-60 medications, their compatibility and stability, and adverse drug
1-61 reactions and interactions;

1-62 (13) to a health care utilization review agent who
1-63 requires the health care information for utilization review of
1-64 health care under Article 21.58A, Insurance Code;

2-1 (14) for use in a research project authorized by an
2-2 institutional review board under federal law;

2-3 (15) to health care personnel of a penal or other
2-4 custodial institution in which the patient is detained if the
2-5 disclosure is for the sole purpose of providing health care to the
2-6 patient;

2-7 (16) to facilitate reimbursement to a hospital, other
2-8 health care provider, or the patient for medical services or
2-9 supplies;

2-10 (17) to a health maintenance organization for purposes
2-11 of maintaining a statistical reporting system as required by a rule
2-12 adopted by a state agency or regulations adopted under the federal
2-13 Health Maintenance Organization Act of 1973, as amended (42 U.S.C.
2-14 Section 300e [~~300~~] et seq.);

2-15 (18) to satisfy a request for medical records of a
2-16 deceased or incompetent person pursuant to Section 74.051(e), Civil
2-17 Practice and Remedies Code [~~4.01(e), Medical Liability and
2-18 Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas
2-19 Civil Statutes)~~];

2-20 (19) to comply with a court order except as provided by
2-21 Subdivision (20); or

2-22 (20) related to a judicial proceeding in which the
2-23 patient is a party and the disclosure is requested under a subpoena
2-24 issued under:

2-25 (A) the Texas Rules of Civil Procedure or Code of
2-26 Criminal Procedure; or

2-27 (B) Chapter 121, Civil Practice and Remedies
2-28 Code.

2-29 SECTION 2. This Act applies only to an act, including a
2-30 request or disclosure, made on or after the effective date of this
2-31 Act.

2-32 SECTION 3. This Act takes effect September 1, 2005.

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