

By: Nixon

H.B. No. 742

A BILL TO BE ENTITLED

AN ACT

1
2 relating to updating citations to Chapter 74, Civil Practice and
3 Remedies Code, in Chapter 159, Occupations Code.

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

5 SECTION 1. Section 159.003(a), Occupations Code, is amended
6 to read as follows:

7 (a) An exception to the privilege of confidentiality in a
8 court or administrative proceeding exists:

9 (1) in a proceeding brought by a patient against a
10 physician, including:

11 (A) a malpractice proceeding; or

12 (B) a criminal proceeding or license revocation
13 proceeding in which the patient is a complaining witness and
14 disclosure is relevant to a claim or defense of the physician;

15 (2) if the patient or a person authorized to act on the
16 patient's behalf submits a written consent to the release of
17 confidential information as provided by Section 159.005;

18 (3) in a proceeding to substantiate and collect on a
19 claim for medical services provided to the patient;

20 (4) in a civil action or administrative proceeding, if
21 relevant, brought by the patient or a person on the patient's
22 behalf, if the patient or person is attempting to recover monetary
23 damages for a physical or mental condition including the patient's
24 death;

1 (5) in a disciplinary investigation or proceeding
2 conducted under this subtitle, if the board protects the identity
3 of any patient whose billing or medical records are examined other
4 than a patient:

5 (A) for whom an exception exists under
6 Subdivision (1); or

7 (B) who has submitted written consent to the
8 release of the billing or medical records as provided by Section
9 159.005;

10 (6) in a criminal investigation of a physician in
11 which the board is participating, or assisting in the investigation
12 or proceeding by providing certain billing or medical records
13 obtained from the physician, if the board protects the identity of a
14 patient whose billing or medical records are provided in the
15 investigation or proceeding other than a patient:

16 (A) for whom an exception exists under
17 Subdivision (1); or

18 (B) who has submitted written consent to the
19 release of the billing or medical records as provided by Section
20 159.005;

21 (7) in an involuntary civil commitment proceeding,
22 proceeding for court-ordered treatment, or probable cause hearing
23 under Chapter 462, 574, or 593, Health and Safety Code;

24 (8) if the patient's physical or mental condition is
25 relevant to the execution of a will;

26 (9) if the information is relevant to a proceeding
27 brought under Section 159.009;

1 (10) in a criminal prosecution in which the patient is
2 a victim, witness, or defendant;

3 (11) to satisfy a request for billing or medical
4 records of a deceased or incompetent person under Section
5 74.051(e), Civil Practice and Remedies Code [~~4.01(e), Medical~~
6 ~~Liability and Insurance Improvement Act of Texas (Article 4590i,~~
7 ~~Vernon's Texas Civil Statutes)~~]; or

8 (12) to a court or a party to an action under a court
9 order or court subpoena.

10 SECTION 2. This Act applies only to a request made on or
11 after the effective date of this Act.

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