

By: Gallegos

S.B. No. 1113

A BILL TO BE ENTITLED

AN ACT

1
2 relating to allowing a hospital to release protected health
3 information of a patient to emergency medical services providers
4 for treatment, payment, and health care operations.

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

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

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

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

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

16 (3) to a transporting emergency medical services
17 provider for the ~~[sole]~~ purpose of:

18 (A) treatment or payment, as those terms are
19 defined by the regulations adopted under the Health Insurance
20 Portability and Accountability Act of 1996 (Pub. L. No. 104-191)
21 ~~[determining the patient's diagnosis and the outcome of the~~
22 ~~patient's hospital admission]; or~~

23 (B) the following health care operations
24 described by the regulations adopted under the Health Insurance

1 Portability and Accountability Act of 1996 (Pub. L. No. 104-191):

2 (i) quality assessment and improvement
3 activities;

4 (ii) specified insurance functions;

5 (iii) conducting or arranging for medical
6 reviews; or

7 (iv) competency assurance activities;

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

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

14 (6) to a prospective health care provider for the
15 purpose of securing the services of that health care provider as
16 part of the patient's continuum of care, as determined by the
17 patient's attending physician;

18 (7) to a person authorized to consent to medical
19 treatment under Chapter 313 or to a person in a circumstance
20 exempted from Chapter 313 to facilitate the adequate provision of
21 treatment;

22 (8) to an employee or agent of the hospital who
23 requires health care information for health care education, quality
24 assurance, or peer review or for assisting the hospital in the
25 delivery of health care or in complying with statutory, licensing,
26 accreditation, or certification requirements and if the hospital
27 takes appropriate action to ensure that the employee or agent:

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

3 (B) will take appropriate steps to protect the
4 health care information;

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

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

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

12 (12) to a regional poison control center, as the term
13 is used in Chapter 777, to the extent necessary to enable the center
14 to provide information and education to health professionals
15 involved in the management of poison and overdose victims,
16 including information regarding appropriate therapeutic use of
17 medications, their compatibility and stability, and adverse drug
18 reactions and interactions;

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

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

24 (15) to health care personnel of a penal or other
25 custodial institution in which the patient is detained if the
26 disclosure is for the sole purpose of providing health care to the
27 patient;

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

4 (17) to a health maintenance organization for purposes
5 of maintaining a statistical reporting system as required by a rule
6 adopted by a state agency or regulations adopted under the federal
7 Health Maintenance Organization Act of 1973, as amended (42 U.S.C.
8 Section 300 et seq.);

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

14 (19) to comply with a court order except as provided by
15 Subdivision (20); or

16 (20) related to a judicial proceeding in which the
17 patient is a party and the disclosure is requested under a subpoena
18 issued under:

19 (A) the Texas Rules of Civil Procedure or Code of
20 Criminal Procedure; or

21 (B) Chapter 121, Civil Practice and Remedies
22 Code.

23 SECTION 2. This Act takes effect September 1, 2005.