

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

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

24 (5) to a qualified organ or tissue procurement

1 organization as defined in Section 692.002 for the purpose of  
2 making inquiries relating to donations according to the protocol  
3 referred to in Section 692.013(d);

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

8 (7) to a person authorized to consent to medical  
9 treatment under Chapter 313 or to a person in a circumstance  
10 exempted from Chapter 313 to facilitate the adequate provision of  
11 treatment;

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

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

20 (B) will take appropriate steps to protect the  
21 health care information;

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

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

26 (11) to the American Red Cross for the specific  
27 purpose of fulfilling the duties specified under its charter

1 granted as an instrumentality of the United States government;

2 (12) to a regional poison control center, as the term  
3 is used in Chapter 777, to the extent necessary to enable the center  
4 to provide information and education to health professionals  
5 involved in the management of poison and overdose victims,  
6 including information regarding appropriate therapeutic use of  
7 medications, their compatibility and stability, and adverse drug  
8 reactions and interactions;

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

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

14 (15) to health care personnel of a penal or other  
15 custodial institution in which the patient is detained if the  
16 disclosure is for the sole purpose of providing health care to the  
17 patient;

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

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

26 (18) to satisfy a request for medical records of a  
27 deceased or incompetent person pursuant to Section 74.051(e), Civil

1 Practice and Remedies Code [~~4.01(e), Medical Liability and~~  
2 ~~Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas~~  
3 ~~Civil Statutes)~~];

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

6 (20) related to a judicial proceeding in which the  
7 patient is a party and the disclosure is requested under a subpoena  
8 issued under:

9 (A) the Texas Rules of Civil Procedure or Code of  
10 Criminal Procedure; or

11 (B) Chapter 121, Civil Practice and Remedies  
12 Code.

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