

1-1 By: Gallegos S.B. No. 1113
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 18, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 18, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1113 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to allowing a hospital to release protected health
1-11 information of a patient to emergency medical services providers
1-12 for treatment, payment, and health care operations.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 241.153, Health and Safety Code, is
1-15 amended to read as follows:

1-16 Sec. 241.153. DISCLOSURE WITHOUT WRITTEN AUTHORIZATION. A
1-17 patient's health care information may be disclosed without the
1-18 patient's authorization if the disclosure is:

1-19 (1) directory information, unless the patient has
1-20 instructed the hospital not to make the disclosure or the directory
1-21 information is otherwise protected by state or federal law;

1-22 (2) to a health care provider who is rendering health
1-23 care to the patient when the request for the disclosure is made;

1-24 (3) to a transporting emergency medical services
1-25 provider for the ~~[sole]~~ purpose of:

1-26 (A) treatment or payment, as those terms are
1-27 defined by the regulations adopted under the Health Insurance
1-28 Portability and Accountability Act of 1996 (Pub. L. No. 104-191)
1-29 [determining the patient's diagnosis and the outcome of the
1-30 patient's hospital admission]; or

1-31 (B) the following health care operations
1-32 described by the regulations adopted under the Health Insurance
1-33 Portability and Accountability Act of 1996 (Pub. L. No. 104-191):

1-34 (i) quality assessment and improvement
1-35 activities;

1-36 (ii) specified insurance functions;

1-37 (iii) conducting or arranging for medical
1-38 reviews; or

1-39 (iv) competency assurance activities;

1-40 (4) to a member of the clergy specifically designated
1-41 by the patient;

1-42 (5) to a qualified organ or tissue procurement
1-43 organization as defined in Section 692.002 for the purpose of
1-44 making inquiries relating to donations according to the protocol
1-45 referred to in Section 692.013(d);

1-46 (6) to a prospective health care provider for the
1-47 purpose of securing the services of that health care provider as
1-48 part of the patient's continuum of care, as determined by the
1-49 patient's attending physician;

1-50 (7) to a person authorized to consent to medical
1-51 treatment under Chapter 313 or to a person in a circumstance
1-52 exempted from Chapter 313 to facilitate the adequate provision of
1-53 treatment;

1-54 (8) to an employee or agent of the hospital who
1-55 requires health care information for health care education, quality
1-56 assurance, or peer review or for assisting the hospital in the
1-57 delivery of health care or in complying with statutory, licensing,
1-58 accreditation, or certification requirements and if the hospital
1-59 takes appropriate action to ensure that the employee or agent:

1-60 (A) will not use or disclose the health care
1-61 information for any other purpose; and

1-62 (B) will take appropriate steps to protect the
1-63 health care information;

2-1 (9) to a federal, state, or local government agency or
2-2 authority to the extent authorized or required by law;
2-3 (10) to a hospital that is the successor in interest to
2-4 the hospital maintaining the health care information;
2-5 (11) to the American Red Cross for the specific
2-6 purpose of fulfilling the duties specified under its charter
2-7 granted as an instrumentality of the United States government;
2-8 (12) to a regional poison control center, as the term
2-9 is used in Chapter 777, to the extent necessary to enable the center
2-10 to provide information and education to health professionals
2-11 involved in the management of poison and overdose victims,
2-12 including information regarding appropriate therapeutic use of
2-13 medications, their compatibility and stability, and adverse drug
2-14 reactions and interactions;
2-15 (13) to a health care utilization review agent who
2-16 requires the health care information for utilization review of
2-17 health care under Article 21.58A, Insurance Code;
2-18 (14) for use in a research project authorized by an
2-19 institutional review board under federal law;
2-20 (15) to health care personnel of a penal or other
2-21 custodial institution in which the patient is detained if the
2-22 disclosure is for the sole purpose of providing health care to the
2-23 patient;
2-24 (16) to facilitate reimbursement to a hospital, other
2-25 health care provider, or the patient for medical services or
2-26 supplies;
2-27 (17) to a health maintenance organization for purposes
2-28 of maintaining a statistical reporting system as required by a rule
2-29 adopted by a state agency or regulations adopted under the federal
2-30 Health Maintenance Organization Act of 1973, as amended (42 U.S.C.
2-31 Section 300 et seq.);
2-32 (18) to satisfy a request for medical records of a
2-33 deceased or incompetent person pursuant to Section 74.051(e), Civil
2-34 Practice and Remedies Code [4.01(e), Medical Liability and
2-35 Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas
2-36 Civil Statutes)];
2-37 (19) to comply with a court order except as provided by
2-38 Subdivision (20); or
2-39 (20) related to a judicial proceeding in which the
2-40 patient is a party and the disclosure is requested under a subpoena
2-41 issued under:
2-42 (A) the Texas Rules of Civil Procedure or Code of
2-43 Criminal Procedure; or
2-44 (B) Chapter 121, Civil Practice and Remedies
2-45 Code.

2-46 SECTION 2. This Act takes effect September 1, 2005.

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