

AN ACT

relating to the cost of obtaining copies of an injured employee's medical records for use by an ombudsman under the office of injured employee counsel's ombudsman program; providing an administrative violation.

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

SECTION 1. Subchapter D, Chapter 404, Labor Code, is amended by adding Section 404.155 to read as follows:

Sec. 404.155. COST FOR CERTAIN COPIES OF MEDICAL RECORDS; ADMINISTRATIVE VIOLATION. (a) At the written request of an ombudsman designated under this subchapter who is assisting a specific injured employee, a health care provider shall provide copies of the injured employee's medical records to the ombudsman at no cost to the ombudsman or the office.

(b) The workers' compensation insurance carrier is liable to the health care provider for the cost of providing copies of the employee's medical records under this section. The insurance carrier may not deduct that cost from any benefit to which the employee is entitled.

(c) The amount charged for providing copies of an injured employee's medical records under this section is the amount prescribed by rules adopted by the commissioner for copying medical records.

(d) A health care provider may not require payment for the

1 cost of providing copies of an injured employee's medical records  
2 under this section before providing the copies to the ombudsman.

3 (e) The public counsel may adopt rules regarding a time  
4 frame for the provision of copies of an injured employee's medical  
5 records under this section and any other matter relating to  
6 provision of those copies.

7 (f) A health care provider or insurance carrier that fails  
8 to comply with the requirements of this section or rules adopted  
9 under this section commits an administrative violation. The  
10 commissioner shall enforce a violation under this subsection in  
11 accordance with Chapter 415.

12 SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 888 was passed by the House on May 9, 2007, by the following vote: Yeas 141, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 888 on May 23, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 888 was passed by the Senate, with amendments, on May 21, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor