

1-1 By: Giddings, Solomons, Leibowitz H.B. No. 888
1-2 (Senate Sponsor - Watson)
1-3 (In the Senate - Received from the House May 10, 2007;
1-4 May 14, 2007, read first time and referred to Committee on State
1-5 Affairs; May 18, 2007, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-7 May 18, 2007, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 888 By: Van de Putte

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the cost of obtaining copies of an injured employee's
1-12 medical records for use by an ombudsman under the office of injured
1-13 employee counsel's ombudsman program; providing an administrative
1-14 violation.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 SECTION 1. Subchapter D, Chapter 404, Labor Code, is
1-17 amended by adding Section 404.155 to read as follows:

1-18 Sec. 404.155. COST FOR CERTAIN COPIES OF MEDICAL RECORDS;
1-19 ADMINISTRATIVE VIOLATION. (a) At the written request of an
1-20 ombudsman designated under this subchapter who is assisting a
1-21 specific injured employee, a health care provider shall provide
1-22 copies of the injured employee's medical records to the ombudsman
1-23 at no cost to the ombudsman or the office.

1-24 (b) The workers' compensation insurance carrier is liable
1-25 to the health care provider for the cost of providing copies of the
1-26 employee's medical records under this section. The insurance
1-27 carrier may not deduct that cost from any benefit to which the
1-28 employee is entitled.

1-29 (c) The amount charged for providing copies of an injured
1-30 employee's medical records under this section is the amount
1-31 prescribed by rules adopted by the commissioner for copying medical
1-32 records.

1-33 (d) A health care provider may not require payment for the
1-34 cost of providing copies of an injured employee's medical records
1-35 under this section before providing the copies to the ombudsman.

1-36 (e) The public counsel may adopt rules regarding a time
1-37 frame for the provision of copies of an injured employee's medical
1-38 records under this section and any other matter relating to
1-39 provision of those copies.

1-40 (f) A health care provider or insurance carrier that fails
1-41 to comply with the requirements of this section or rules adopted
1-42 under this section commits an administrative violation. The
1-43 commissioner shall enforce a violation under this subsection in
1-44 accordance with Chapter 415.

1-45 SECTION 2. This Act takes effect immediately if it receives
1-46 a vote of two-thirds of all the members elected to each house, as
1-47 provided by Section 39, Article III, Texas Constitution. If this
1-48 Act does not receive the vote necessary for immediate effect, this
1-49 Act takes effect September 1, 2007.

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