

By: Nelson

S.B. No. 590

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a designated agent's access to a principal's medical and
3 health care information.

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

5 SECTION 1. Subchapter D, Chapter 166, Health and Safety
6 Code, is amended by adding Section 166.1641 to read as follows:

7 Sec. 166.1641. AUTHORITY OF AN AGENT PRIOR TO A COMPETENCY
8 DETERMINATION. To ensure appropriate access to medical and health
9 care information under the federal Health Insurance Portability and
10 Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and its
11 accompanying regulations, prior to a determination of competency
12 under Section 166.152, the person named as an agent in a medical
13 power of attorney is a personal representative for the purpose of
14 reviewing or determining the patient's competency.

15 SECTION 2. This Act takes effect September 1, 2007.