

1-1 By: Nelson S.B. No. 590  
1-2 (In the Senate - Filed February 13, 2007; February 26, 2007,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 12, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 March 12, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 590 By: Nelson

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

1-10 relating to a designated agent's access to a principal's medical and  
1-11 health care information.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 166, Health and Safety  
1-14 Code, is amended by adding Section 166.1641 to read as follows:

1-15 Sec. 166.1641. AUTHORITY OF AN AGENT PRIOR TO A COMPETENCY  
1-16 DETERMINATION. To ensure appropriate access to medical and health  
1-17 care information under the federal Health Insurance Portability and  
1-18 Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and its  
1-19 accompanying regulations, prior to a determination of competency  
1-20 under Section 166.152, the person named as an agent in a medical  
1-21 power of attorney is a personal representative for the purpose of  
1-22 reviewing or determining the patient's competency.

1-23 SECTION 2. This Act takes effect September 1, 2007.

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