

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Giddings, Solomons, Leibowitz

H.B. No. 888

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the cost of obtaining copies of an injured employee's  
3 medical records for use by an ombudsman under the office of injured  
4 employee counsel's ombudsman program; providing an administrative  
5 violation.

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

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

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

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

20 (c) The amount charged for providing copies of an injured  
21 employee's medical records under this section is the amount  
22 prescribed by rules adopted by the Texas Medical Board under  
23 Section 159.008(a)(1), Occupations Code, for copying medical  
24 records.

1           (d) Notwithstanding Section 159.008(a)(2), Occupations  
2 Code, or any other law, a health care provider may not require  
3 payment for the cost of providing copies of an injured employee's  
4 medical records under this section before providing the copies to  
5 the ombudsman.

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

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

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

ADOPTED

MAY 21 2007

*Leta Spaw*  
Secretary of the Senate

By: Giddings (Watson)

H.B. No. 888

Substitute the following for \_\_\_B. No. \_\_\_:

By: Wanda Pette

C.S. \_\_\_B. No. \_\_\_

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

20 (c) The amount charged for providing copies of an injured  
21 employee's medical records under this section is the amount

1 prescribed by rules adopted by the commissioner for copying medical  
2 records.

3 (d) A health care provider may not require payment for the  
4 cost of providing copies of an injured employee's medical records  
5 under this section before providing the copies to the ombudsman.

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

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

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

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

May 17, 2007

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB888** by Giddings (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.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 448 Office of Injured Employee Counsel

**LBB Staff:** JOB, KJG, JRO, MW, SK

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 14, 2007**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB888** by Giddings (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.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

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**Source Agencies:** 448 Office of Injured Employee Counsel

**LBB Staff:** JOB, KJG, JRO, MW, SK

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 19, 2007**

**TO:** Honorable Helen Giddings, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB888** by Giddings (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. ), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

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**Source Agencies:** 448 Office of Injured Employee Counsel

**LBB Staff:** JOB, JRO, MW, SK

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 2, 2007**

**TO:** Honorable Helen Giddings, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB888** by Giddings (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.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

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**Source Agencies:** 448 Office of Injured Employee Counsel

**LBB Staff:** JOB, JRO, MW, SK