

BILL ANALYSIS

C.S.H.B. 4029
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, public hospitals have been required under certain circumstances to release patient's names and addresses, as well as account balances and other payment information, in response to requests under public information laws. A patient's expectation of privacy should include the patient's right to keep confidential the fact that the patient received health care services at all, in addition to the location or provider of the services.

C.S.H.B. 4029 establishes that payment information is part of a patient's confidential health care information and therefore not subject to release without patient authorization. The bill conforms Texas law more closely to the definition of "protected health information" under the federal Health Insurance Portability and Accountability Act, which specifically includes information relating to payments for health care services. The bill will not change existing practices in Texas hospitals, but patients who receive services from public hospitals will have a level of privacy similar to that of patients who receive services from private hospitals not subject to public information laws.

C.S.H.B. 4029 expands the definition of "health care information" and provides exceptions to disclosure and fee requirements for a patient's payment information.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4029 amends the Health and Safety Code to include payment information recorded in any form or medium that identifies a patient and relates to the patient's history, diagnosis, treatment, or prognosis within the definition of "health care information." The bill creates an exception for a patient's payment information to provisions requiring the disclosure of a patient's recorded health care information and authorizing a reasonable fee for providing health care information. The bill establishes that a request from a patient or legally authorized representative for payment information is subject to provisions regarding an itemized statement of billed services.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4029 differs from the original in a nonsubstantive way by specifying that "health care information" means information, including payment information, that identifies a patient and relates to the patient's history, diagnosis, treatment, or prognosis, whereas the original specifies

that the term means information that identifies a patient and relates to the patient's history, diagnosis, treatment, or prognosis and to payment for the provision of health care services to the patient.