

By: Martinez Fischer

H.B. No. 757

A BILL TO BE ENTITLED

AN ACT

relating to public access to certain information and materials.

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

SECTION 1. (a) The following sections of the Occupations Code are repealed:

- (1) Section 110.256;
- (2) Sections 401.2535(h) and (i);
- (3) Sections 402.154(h) and (i);
- (4) Sections 451.110(h) and (i);
- (5) Sections 502.2045(h) and (i);
- (6) Sections 503.2545(h) and (i);
- (7) Sections 505.2545(h) and (i);
- (8) Sections 602.1525(h) and (i);
- (9) Sections 603.2041(h) and (i);
- (10) Sections 605.2021(h) and (i); and
- (11) Sections 701.2041(h) and (i).

(b) Sections 241.051(e) and 577.013(e), Health and Safety Code, are repealed.

SECTION 2. Section 241.051(d), Health and Safety Code, is amended to read as follows:

(d) Information [~~All information and materials~~] obtained or compiled by the department in connection with a complaint or [~~and~~] investigation that is [~~concerning a hospital are~~] confidential by law remains confidential and is [~~and~~] not subject to disclosure

1 under Chapter 552 [~~Section 552.001 et seq.~~], Government Code[, and
2 not subject to disclosure, discovery, subpoena, or other means of
3 legal compulsion for their release to anyone other than the
4 department or its employees or agents involved in the enforcement
5 action except that this information may be disclosed to:

6 ~~[(1) persons involved with the department in the
7 enforcement action against the hospital,~~

8 ~~[(2) the hospital that is the subject of the
9 enforcement action, or the hospital's authorized representative,~~

10 ~~[(3) appropriate state or federal agencies that are
11 authorized to inspect, survey, or investigate hospital services,~~

12 ~~[(4) law enforcement agencies; and~~

13 ~~[(5) persons engaged in bona fide research, if all
14 individual-identifying and hospital-identifying information has
15 been deleted].~~

16 SECTION 3. Section 577.013(d), Health and Safety Code, is
17 amended to read as follows:

18 (d) Information [~~All information and materials~~] obtained or
19 compiled by the department in connection with a complaint or [~~and~~]
20 investigation that is [~~concerning a mental hospital licensed under
21 this chapter are~~] confidential by law remains confidential and is
22 [~~and~~] not subject to disclosure under Chapter 552, Government
23 Code [~~, discovery, subpoena, or other means of legal compulsion for
24 their release to anyone other than the department or its employees
25 or agents involved in the enforcement action except that this
26 information may be disclosed to:~~

27 ~~[(1) persons involved with the department in the~~

1 ~~enforcement action against the licensed mental hospital;~~

2 ~~[(2) the licensed mental hospital that is the subject~~
3 ~~of the enforcement action, or the licensed mental hospital's~~
4 ~~authorized representative;~~

5 ~~[(3) appropriate state or federal agencies that are~~
6 ~~authorized to inspect, survey, or investigate licensed mental~~
7 ~~hospital services;~~

8 ~~[(4) law enforcement agencies; and~~

9 ~~[(5) persons engaged in bona fide research, if all~~
10 ~~individual-identifying information and information identifying the~~
11 ~~licensed mental hospital has been deleted].~~

12 SECTION 4. This Act takes effect September 1, 2009.