

By: Marquez

H.B. No. 4029

A BILL TO BE ENTITLED

AN ACT

relating to written authorization for the release of certain health care information.

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

SECTION 1. Section 241.151(2), Health and Safety Code, is amended to read as follows:

(2) "Health care information" means information, including payment information, recorded in any form or medium that identifies a patient and relates to the history, diagnosis, treatment, or prognosis of a patient.

SECTION 2. Section 241.154, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsection (f) to read as follows:

(a) On receipt of a written authorization from a patient or legally authorized representative to examine or copy all or part of the patient's recorded health care information, except payment information, or for disclosures under Section 241.153 not requiring written authorization, a hospital or its agent, as promptly as required under the circumstances but not later than the 15th day after the date the request and payment authorized under Subsection (b) are received, shall:

(1) make the information available for examination during regular business hours and provide a copy to the requestor, if requested; or

1           (2) inform the authorized requestor if the information  
2 does not exist or cannot be found.

3           (b) Except as provided by Subsection (d), the hospital or  
4 its agent may charge a reasonable fee for providing the health care  
5 information except payment information and is not required to  
6 permit the examination, copying, or release of the information  
7 requested until the fee is paid unless there is a medical emergency.  
8 The fee may not exceed the sum of:

9           (1) a basic retrieval or processing fee, which must  
10 include the fee for providing the first 10 pages of the copies and  
11 which may not exceed \$30; and

12                   (A) a charge for each page of:

13                           (i) \$1 for the 11th through the 60th page of  
14 the provided copies;

15                           (ii) 50 cents for the 61st through the 400th  
16 page of the provided copies; and

17                           (iii) 25 cents for any remaining pages of  
18 the provided copies; and

19                   (B) the actual cost of mailing, shipping, or  
20 otherwise delivering the provided copies; or

21           (2) if the requested records are stored on any  
22 microform or other electronic medium, a retrieval or processing  
23 fee, which must include the fee for providing the first 10 pages of  
24 the copies and which may not exceed \$45; and

25                   (A) \$1 per page thereafter; and

26                   (B) the actual cost of mailing, shipping, or  
27 otherwise delivering the provided copies.

1        (f) A request from a patient or legally authorized  
2 representative for payment information is subject to Section  
3 311.002.

4        SECTION 3. The change in law made by this Act applies only  
5 to the disclosure or exchange of health care information under  
6 Subchapter G, Chapter 241, Health and Safety Code, on or after the  
7 effective date of this Act. The disclosure or exchange of health  
8 care information before the effective date of this Act is governed  
9 by the law as it existed immediately before that date, and that law  
10 is continued in effect for that purpose.

11        SECTION 4. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2009.