1-1 By: Marquez (Senate Sponsor - Shapleigh)   H.B. No. 4029
1-2   (In   the   Senate - Received   from   the   House   May 6, 2009;
1-3 May 7, 2009, read first time and referred to Committee on Health and
1-4 Human Services; May 13, 2009, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 13, 2009, sent to printer.)

1-6   A BILL TO BE ENTITLED
1-7   AN ACT

1-8 relating to written authorization for the release of certain health
1-9 care information.
1-10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11   SECTION 1. Section 241.151(2), Health and Safety Code, is
1-12 amended to read as follows:
1-13   (2) "Health   care   information"   means   information,
1-14 including payment information, recorded in any form or medium that
1-15 identifies a patient and relates to the history, diagnosis,
1-16 treatment, or prognosis of a patient.
1-17   SECTION 2. Section 241.154, Health and Safety Code, is
1-18 amended by amending Subsections (a) and (b) and adding Subsection
1-19 (f) to read as follows:
1-20   (a) On receipt of a written authorization from a patient or
1-21 legally authorized representative to examine or copy all or part of
1-22 the patient's recorded health care information, except payment
1-23 information, or for disclosures under Section 241.153 not requiring
1-24 written authorization, a hospital or its agent, as promptly as
1-25 required under the circumstances but not later than the 15th day
1-26 after the date the request and payment authorized under Subsection
1-27 (b) are received, shall:
1-28   (1) make the information available for examination
1-29 during regular business hours and provide a copy to the requestor,
1-30 if requested; or
1-31   (2) inform the authorized requestor if the information
1-32 does not exist or cannot be found.
1-33   (b) Except as provided by Subsection (d), the hospital or
1-34 its agent may charge a reasonable fee for providing the health care
1-35 information except payment information and is not required to
1-36 permit the examination, copying, or release of the information
1-37 requested until the fee is paid unless there is a medical emergency.
1-38 The fee may not exceed the sum of:
1-39   (1) a basic retrieval or processing fee, which must
1-40 include the fee for providing the first 10 pages of the copies and
1-41 which may not exceed $30; and
1-42   (A) a charge for each page of:
1-43   (i) $1 for the 11th through the 60th page of
1-44 the provided copies;
1-45   (ii) 50 cents for the 61st through the 400th
1-46 page of the provided copies; and
1-47   (iii) 25 cents for any remaining pages of
1-48 the provided copies; and
1-49   (B) the actual cost of mailing, shipping, or
1-50 otherwise delivering the provided copies; or
1-51   (2) if the requested records are stored on any
1-52 microform or other electronic medium, a retrieval or processing
1-53 fee, which must include the fee for providing the first 10 pages of
1-54 the copies and which may not exceed $45; and
1-55   (A) $1 per page thereafter; and
1-56   (B) the actual cost of mailing, shipping, or
1-57 otherwise delivering the provided copies.
1-58   (f) A request from a patient or legally authorized
1-59 representative for payment information is subject to Section
1-60 311.002.
1-61   SECTION 3. The change in law made by this Act applies only
1-62 to the disclosure or exchange of health care information under
1-63 Subchapter G, Chapter 241, Health and Safety Code, on or after the
1-64 effective date of this Act. The disclosure or exchange of health

2-1 care information before the effective date of this Act is governed
2-2 by the law as it existed immediately before that date, and that law
2-3 is continued in effect for that purpose.
2-4   SECTION 4. This Act takes effect immediately if it receives
2-5 a vote of two-thirds of all the members elected to each house, as
2-6 provided by Section 39, Article III, Texas Constitution. If this
2-7 Act does not receive the vote necessary for immediate effect, this
2-8 Act takes effect September 1, 2009.

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