

1-1 By: Nichols S.B. No. 1171
1-2 (In the Senate - Filed February 26, 2009; March 13, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 14, 2009, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; April 14, 2009, sent to printer.)

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

1-8 relating to certain health-related reports, records, and
1-9 information.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 81.046, Health and Safety Code, is
1-12 amended by amending Subsections (a), (c), and (f) and adding
1-13 Subsection (g) to read as follows:

1-14 (a) Reports, records, and information received from any
1-15 source, including from a federal agency or from another state,
1-16 furnished to a public health district, a health authority, a local
1-17 health department, or the department that relate to cases or
1-18 suspected cases of diseases or health conditions are confidential
1-19 and may be used only for the purposes of this chapter.

1-20 (c) Medical or epidemiological information may be released:

1-21 (1) for statistical purposes if released in a manner
1-22 that prevents the identification of any person;

1-23 (2) with the consent of each person identified in the
1-24 information;

1-25 (3) to medical personnel treating the individual,
1-26 appropriate state agencies in this state or another state, a health
1-27 authority or local health department in this state or another
1-28 state, or federal, county, or [and] district courts to comply with
1-29 this chapter and related rules relating to the control and
1-30 treatment of communicable diseases and health conditions or under
1-31 another state or federal law that expressly authorizes the
1-32 disclosure of this information;

1-33 (4) to appropriate federal agencies, such as the
1-34 Centers for Disease Control and Prevention of the United States
1-35 Public Health Service, but the information must be limited to the
1-36 name, address, sex, race, and occupation of the patient, the date of
1-37 disease onset, the probable source of infection, and other
1-38 requested information relating to the case or suspected case of a
1-39 communicable disease or health condition; or

1-40 (5) to medical personnel to the extent necessary in a
1-41 medical emergency to protect the health or life of the person
1-42 identified in the information.

1-43 (f) Reports, records, and information relating to cases or
1-44 suspected cases of diseases or health conditions may be released to
1-45 the extent necessary during a public health disaster to law
1-46 enforcement personnel solely for the purpose of protecting the
1-47 health or life of the person identified in the report, record, or
1-48 information. Only the minimum necessary information may be
1-49 released under this subsection, as determined by the health
1-50 authority, the local health department, or the department.

1-51 (g) A judge of a county or district court may issue a
1-52 protective order or take other action to limit disclosure of
1-53 medical or epidemiological information obtained under this section
1-54 before that information is entered into evidence or otherwise
1-55 disclosed in a court proceeding.

1-56 SECTION 2. Section 81.103, Health and Safety Code, is
1-57 amended by amending Subsection (b) and adding Subsection (k) to
1-58 read as follows:

1-59 (b) A test result may be released to:

1-60 (1) the department under this chapter;

1-61 (2) a local health authority if reporting is required
1-62 under this chapter;

1-63 (3) the Centers for Disease Control and Prevention of
1-64 the United States Public Health Service if reporting is required by

2-1 federal law or regulation;
 2-2 (4) the physician or other person authorized by law
 2-3 who ordered the test;
 2-4 (5) a physician, nurse, or other health care personnel
 2-5 who have a legitimate need to know the test result in order to
 2-6 provide for their protection and to provide for the patient's
 2-7 health and welfare;
 2-8 (6) the person tested or a person legally authorized
 2-9 to consent to the test on the person's behalf;
 2-10 (7) the spouse of the person tested if the person tests
 2-11 positive for AIDS or HIV infection, antibodies to HIV, or infection
 2-12 with any other probable causative agent of AIDS;
 2-13 (8) a person authorized to receive test results under
 2-14 Article 21.31, Code of Criminal Procedure, concerning a person who
 2-15 is tested as required or authorized under that article; ~~and~~
 2-16 (9) a person exposed to HIV infection as provided by
 2-17 Section 81.050; and
 2-18 (10) a county or district court to comply with this
 2-19 chapter or rules relating to the control and treatment of
 2-20 communicable diseases and health conditions.
 2-21 (k) A judge of a county or district court may issue a
 2-22 protective order or take other action to limit disclosure of a test
 2-23 result obtained under this section before that information is
 2-24 entered into evidence or otherwise released in a court proceeding.
 2-25 SECTION 3. This Act takes effect immediately if it receives
 2-26 a vote of two-thirds of all the members elected to each house, as
 2-27 provided by Section 39, Article III, Texas Constitution. If this
 2-28 Act does not receive the vote necessary for immediate effect, this
 2-29 Act takes effect September 1, 2009.

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