

House Bill 4029
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(b) Except as provided by Subsection (d), the hospital or its agent may charge a reasonable fee for providing the health care information except payment information and is not required to permit the examination, copying, or release of the information requested until the fee is paid

SENATE VERSION

Same as House version.

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

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

(b) Except as provided by Subsection (d), the hospital or its agent may charge a reasonable fee for providing the health care information except payment information and is not required to permit the examination, copying, or release of the information requested until the fee is paid

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unless there is a medical emergency. The fee may not exceed the sum of:

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

(A) a charge for each page of:

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

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

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

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

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

(A) \$1 per page thereafter; and

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

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(A) \$1 per page thereafter; and

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

(3) if the requested records are provided on a digital or other electronic medium and the requesting party requests delivery in a digital or electronic medium, including electronic mail:

(A) a retrieval or processing fee, which may not exceed \$75; and

(B) the actual cost of mailing, shipping, or otherwise

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

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

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

SENATE VERSION

delivering the provided copies.

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

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