

## **BILL ANALYSIS**

H.B. 118  
By: McClendon  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under certain circumstances, licensed hospitals are allowed to dispose of a medical record on or after the 10th anniversary of the date on which the patient who is the subject of the record was last treated in the hospital. Some exceptions are made to this retention requirement for the records of minors and for records relating to any matter in litigation. On occasion, a patient who is unaware of the existing record retention law may request copies of his or her medical records after the ten-year retention period has passed and the record has been lawfully disposed of by the hospital.

H.B. 118 would require a licensed hospital to provide, within a specified time frame, written notice to a patient or the patient's legally authorized representative that the hospital may authorize the disposal of medical records relating to the patient after a certain period of time.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 118 amends the Health and Safety Code to require a hospital to provide written notice to a patient or the patient's legally authorized representative that the hospital may authorize the disposal of medical records relating to the patient on or after the dates specified by provisions governing the preservation of records unless the records relate to any matter that is involved in litigation if the hospital knows the litigation has not been finally resolved. The bill requires the notice to be provided to the patient or the patient's legally authorized representative not later than the date on which the patient who is or will be the subject of a medical record is treated, except in an emergency treatment situation. The bill requires the notice in an emergency treatment situation to be provided to the patient or the patient's legally authorized representative as soon as it is reasonably practicable following the emergency treatment situation.

### **EFFECTIVE DATE**

September 1, 2011.