

1-1 By: McClendon (Senate Sponsor - Uresti) H.B. No. 118
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 20, 2011, read first time and referred to Committee on Health
1-4 and Human Services; May 6, 2011, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 6, 2011, sent to printer.)

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

1-8 relating to requiring the provision of notice by certain hospitals
1-9 regarding patients' medical records.

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

1-11 SECTION 1. Section 241.103, Health and Safety Code, is
1-12 amended by adding Subsection (d) to read as follows:

1-13 (d) A hospital shall provide written notice to a patient, or
1-14 a patient's legally authorized representative as that term is
1-15 defined by Section 241.151, that the hospital, unless the exception
1-16 in Subsection (c) applies, may authorize the disposal of medical
1-17 records relating to the patient on or after the periods specified in
1-18 this section. The notice shall be provided to the patient or the
1-19 patient's legally authorized representative not later than the date
1-20 on which the patient who is or will be the subject of a medical
1-21 record is treated, except in an emergency treatment situation. In
1-22 an emergency treatment situation, the notice shall be provided to
1-23 the patient or the patient's legally authorized representative as
1-24 soon as is reasonably practicable following the emergency treatment
1-25 situation.

1-26 SECTION 2. This Act takes effect September 1, 2011.

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