

By: Allen

H.B. No. 2446

A BILL TO BE ENTITLED

AN ACT

relating to the release of confidential physician-patient communications in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 159, Occupations Code, is amended by adding Section 159.0041 to read as follows:

Sec. 159.0041. EXCEPTIONS TO CONFIDENTIALITY FOR CERTAIN INTERNAL LAW ENFORCEMENT INVESTIGATIONS. (a) In this section, "de-identified protected health information" has the meaning assigned by Section 182.002, Health and Safety Code.

(b) Notwithstanding Sections 159.003 and 159.004, an exception to the privilege of confidentiality allowing disclosure of confidential information by a physician exists with respect to an administrative request by a law enforcement official, including an administrative subpoena or summons, a civil or an authorized investigative demand, or a similar process authorized under law, if:

(1) the information sought is relevant and material to an internal investigation of the use of force by a law enforcement officer, corrections officer, or county jailer against a patient, regardless of whether the patient is incarcerated at the time of the request;

(2) the request is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the

1 information is sought; and

2 (3) de-identified protected health information cannot
3 reasonably be used to conduct the investigation.

4 (c) This section does not authorize the release of
5 confidential information to investigate or substantiate criminal
6 charges against a patient.

7 SECTION 2. This Act takes effect September 1, 2011.