

BILL ANALYSIS

H.B. 1561
By: Klick
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The process to obtain the medical records of a deceased family member who was receiving mental health services has become costly and complicated. Currently, only a patient's personal representative may have access to the deceased person's confidential mental health records. Interested parties assert that, if a personal representative has not been named, the family is often forced to go to court to obtain access to these records. H.B. 1561 seeks to establish a better process for obtaining certain confidential mental health information of a deceased family member for whom a personal representative was not appointed.

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. 1561 amends the Health and Safety Code to authorize certain health care professionals to disclose confidential mental health information to the executor or administrator of a deceased patient's estate or, if an executor or administrator has not been appointed, to the deceased patient's spouse or an adult related to the deceased patient within the first degree of consanguinity for a deceased patient who was not married. The bill removes the authorization for such a professional to disclose confidential information to the patient's personal representative if the patient is deceased.

EFFECTIVE DATE

September 1, 2013.