

By: Clardy

H.B. No. 1213

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a mental health professional or school counselor to disclose certain confidential information.

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

SECTION 1. Section 611.004, Health and Safety Code, is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) In addition to the authority provided by Subsection (a)(2), a professional may disclose confidential information to a patient's family or a person or group of persons at risk, as appropriate, as necessary to report a threat communicated to the professional by the patient if:

(1) the communicated threat is a threat of physical violence against:

(A) a reasonably identifiable person or group of persons; or

(B) the patient; and

(2) the professional determines in good faith that disclosure of the information is necessary to protect the health or safety of the reasonably identifiable person or group of persons or the patient.

(f) A school counselor may disclose confidential information to law enforcement personnel, a student's family, or a person or group of persons at risk, as appropriate, as necessary to report a threat communicated to the counselor by the student if:

1           (1) the communicated threat is a threat of physical  
2 violence against:

3                   (A) a reasonably identifiable person or group of  
4 persons; or

5                   (B) the student; and

6           (2) the counselor determines in good faith that  
7 disclosure of the information is necessary to protect the health or  
8 safety of the reasonably identifiable person or group of persons or  
9 the student.

10           (g) A professional or school counselor who discloses  
11 confidential information in accordance with Subsection (e) or (f),  
12 as applicable, is immune from civil or criminal liability for that  
13 disclosure.

14           SECTION 2. Sections 611.004(e), (f), and (g), Health and  
15 Safety Code, as added by this Act, apply only to a disclosure of  
16 confidential information made on or after the effective date of  
17 this Act. A disclosure made before that date is governed by the law  
18 in effect on the date the disclosure was made, and that law is  
19 continued in effect for that purpose.

20           SECTION 3. This Act takes effect September 1, 2013.