

By: Klick

H.B. No. 1561

A BILL TO BE ENTITLED

AN ACT

relating to access to a deceased person's mental health information.

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

SECTION 1. Section 611.004(a), Health and Safety Code, is amended to read as follows:

(a) A professional may disclose confidential information only:

(1) to a governmental agency if the disclosure is required or authorized by law;

(2) to medical or law enforcement personnel if the professional determines that there is a probability of imminent physical injury by the patient to the patient or others or there is a probability of immediate mental or emotional injury to the patient;

(3) to qualified personnel for management audits, financial audits, program evaluations, or research, in accordance with Subsection (b);

(4) to a person who has the written consent of the patient, or a parent if the patient is a minor, or a guardian if the patient has been adjudicated as incompetent to manage the patient's personal affairs;

(5) to the executor or administrator of a deceased patient's estate or, if an executor or administrator has not been

1 appointed, to:

2 (A) the deceased patient's spouse; or

3 (B) an adult related to the deceased patient
4 within the first degree of consanguinity for a deceased patient who
5 was not married [~~personal representative if the patient is~~
6 ~~deceased~~];

7 (6) to individuals, corporations, or governmental
8 agencies involved in paying or collecting fees for mental or
9 emotional health services provided by a professional;

10 (7) to other professionals and personnel under the
11 professionals' direction who participate in the diagnosis,
12 evaluation, or treatment of the patient;

13 (8) in an official legislative inquiry relating to a
14 state hospital or state school as provided by Subsection (c);

15 (9) to designated persons or personnel of a
16 correctional facility in which a person is detained if the
17 disclosure is for the sole purpose of providing treatment and
18 health care to the person in custody;

19 (10) to an employee or agent of the professional who
20 requires mental health care information to provide mental health
21 care services or in complying with statutory, licensing, or
22 accreditation requirements, if the professional has taken
23 appropriate action to ensure that the employee or agent:

24 (A) will not use or disclose the information for
25 any other purposes; and

26 (B) will take appropriate steps to protect the
27 information; or

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1 (11) to satisfy a request for medical records of a
2 deceased or incompetent person pursuant to Section 74.051(e), Civil
3 Practice and Remedies Code.

4 SECTION 2. This Act takes effect September 1, 2013.