

AN ACT

relating to the disclosure in certain judicial proceedings of confidential communications between a physician and a patient and confidential patient records.

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

SECTION 1. Section 159.002, Occupations Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) Notwithstanding any other provision of this chapter other than Sections 159.003(a)(10) and (c), a communication or record that is otherwise confidential and privileged under this section may be disclosed or released by a physician without the patient's authorization or consent if the disclosure or release is related to a judicial proceeding in which the patient is a party and the disclosure or release is requested under a subpoena issued under:

(1) the Texas Rules of Civil Procedure;

(2) the Code of Criminal Procedure; or

(3) Chapter 121, Civil Practice and Remedies Code.

(g) Subsection (f) does not prevent a physician from claiming, or otherwise limit the authority of a physician to claim, the privilege of confidentiality on behalf of a patient.

SECTION 2. Section 159.003(a), Occupations Code, is amended to read as follows:

(a) An exception to the privilege of confidentiality in a

1 court or administrative proceeding exists:

2 (1) in a proceeding brought by a patient against a
3 physician, including:

4 (A) a malpractice proceeding; or

5 (B) a criminal proceeding or license revocation
6 proceeding in which the patient is a complaining witness and
7 disclosure is relevant to a claim or defense of the physician;

8 (2) if the patient or a person authorized to act on the
9 patient's behalf submits a written consent to the release of
10 confidential information as provided by Section 159.005;

11 (3) in a proceeding to substantiate and collect on a
12 claim for medical services provided to the patient;

13 (4) in a civil action or administrative proceeding, if
14 relevant, brought by the patient or a person on the patient's
15 behalf, if the patient or person is attempting to recover monetary
16 damages for a physical or mental condition including the patient's
17 death;

18 (5) in a disciplinary investigation or proceeding
19 conducted under this subtitle, if the board protects the identity
20 of any patient whose billing or medical records are examined other
21 than a patient:

22 (A) for whom an exception exists under
23 Subdivision (1); or

24 (B) who has submitted written consent to the
25 release of the billing or medical records as provided by Section
26 159.005;

27 (6) in a criminal investigation of a physician in

1 which the board is participating, or assisting in the investigation
2 or proceeding by providing certain billing or medical records
3 obtained from the physician, if the board protects the identity of a
4 patient whose billing or medical records are provided in the
5 investigation or proceeding other than a patient:

6 (A) for whom an exception exists under
7 Subdivision (1); or

8 (B) who has submitted written consent to the
9 release of the billing or medical records as provided by Section
10 159.005;

11 (7) in an involuntary civil commitment proceeding,
12 proceeding for court-ordered treatment, or probable cause hearing
13 under Chapter 462, 574, or 593, Health and Safety Code;

14 (8) if the patient's physical or mental condition is
15 relevant to the execution of a will;

16 (9) if the information is relevant to a proceeding
17 brought under Section 159.009;

18 (10) in a criminal prosecution in which the patient is
19 a victim, witness, or defendant;

20 (11) to satisfy a request for billing or medical
21 records of a deceased or incompetent person under Section
22 74.051(e), Civil Practice and Remedies Code; or

23 (12) to a court or a party to an action under a court
24 order [~~or court subpoena~~].

25 SECTION 3. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 1779 was passed by the House on May 5, 2015, by the following vote: Yeas 145, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1779 on May 23, 2015, by the following vote: Yeas 129, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1779 was passed by the Senate, with amendments, on May 22, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor