

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Murr

H.B. No. 1779

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the confidentiality of a physician's patient  
3 information in certain judicial proceedings.

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

5 SECTION 1. Section 159.003(a), Occupations Code, is amended  
6 to read as follows:

7 (a) An exception to the privilege of confidentiality in a  
8 court or administrative proceeding exists:

9 (1) in a proceeding brought by a patient against a  
10 physician, including:

11 (A) a malpractice proceeding; or

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

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

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

20 (4) in a civil action or administrative proceeding, if  
21 relevant, brought by the patient or a person on the patient's  
22 behalf, if the patient or person is attempting to recover monetary  
23 damages for a physical or mental condition including the patient's  
24 death;

1           (5) in a disciplinary investigation or proceeding  
2 conducted under this subtitle, if the board protects the identity  
3 of any patient whose billing or medical records are examined other  
4 than a patient:

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

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

10           (6) in a criminal investigation of a physician in  
11 which the board is participating, or assisting in the investigation  
12 or proceeding by providing certain billing or medical records  
13 obtained from the physician, if the board protects the identity of a  
14 patient whose billing or medical records are provided in the  
15 investigation or proceeding other than a patient:

16                   (A) for whom an exception exists under  
17 Subdivision (1); or

18                   (B) who has submitted written consent to the  
19 release of the billing or medical records as provided by Section  
20 159.005;

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

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

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

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

3           (11) to satisfy a request for billing or medical  
4 records of a deceased or incompetent person under Section  
5 74.051(e), Civil Practice and Remedies Code; ~~[or]~~

6           (12) to comply with a court order, except as provided  
7 by Subdivision (13); or

8           (13) in a judicial proceeding in which the patient is a  
9 party and the disclosure is requested under a subpoena issued  
10 under:

11                           (A) the Texas Rules of Civil Procedure;

12                           (B) the Code of Criminal Procedure; or

13                           (C) Chapter 121, Civil Practice and Remedies Code

14 ~~[or a party to an action under a court order or court subpoena].~~

15           SECTION 2. This Act takes effect September 1, 2015.

ADOPTED

MAY 22 2015

*Atalay Shaw*  
Secretary of the Senate

By: *C. Hest*

H.B. No. 1779

Substitute the following for H.B. No. 1779:

By: *Cafferrini*

C.S. H.B. No. 1779

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

16 (1) the Texas Rules of Civil Procedure;

17 (2) the Code of Criminal Procedure; or

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

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

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

24 (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.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 22, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1779** by Murr (Relating to the disclosure in certain judicial proceedings of confidential communications between a physician and a patient and confidential patient records.), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, SD, AG, FR, EK

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 15, 2015**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1779** by Murr (Relating to the disclosure in certain judicial proceedings of confidential communications between a physician and a patient and confidential patient records.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, AG, FR, EK



LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 7, 2015

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1779** by Murr (Relating to the confidentiality of a physician's patient information in certain judicial proceedings.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, AG, FR, EK

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 10, 2015**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1779** by Murr (Relating to the confidentiality of a physician's patient information in certain judicial proceedings.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, FR, EK