

BILL ANALYSIS

Senate Research Center
85R29852 CAE-F

C.S.H.B. 2891
By: Smithee (Creighton)
Health & Human Services
5/16/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to interested parties, the statutory medical authorization form required to be included with a notice asserting a health care liability claim is not compliant with certain federal law. H.B. 2891 addresses this issue by revising the form to be compliant with federal law.

H.B. 2891 amends current law relating to the medical authorization required to release protected health information in a health care liability claim.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 74.052(c), Civil Practice and Remedies Code, as follows:

(c) Requires that the medical authorization required by this section (Authorization Form for Release of Protected Health Information) be in a certain form and be construed in accordance with the “Standards for Privacy of Individually Identifiable Health Information” (45 C.F.R. Parts 160 and 164). Sets forth the required language of the medical authorization.

SECTION 2. Effective date: upon passage or September 1, 2017.