

## **BILL ANALYSIS**

Senate Research Center

S.B. 1520  
By: Hancock  
Business & Commerce  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas law allows patients to obtain copies of their medical records from providers, with a maximum fee structure established by the Texas Medical Board. The maximum fees allowed for paper copies are \$25 for the first 20 pages and \$0.50 per page after. The maximum fees allowed for electronic records is \$25 for records up to 500 pages, and \$50 for records in excess of 500 pages. Over the course of a lifetime, a patient will change providers for a variety of reasons, and must obtain a copy of his or her medical record for the subsequent provider.

- When a physician retires, a patient must find a new physician.
- When a patient changes health insurers, the patient may find his prior physician is no longer a network provider with the new health insurance provider.
- When a physician moves from one practice group to another, the patient may want to continue using the same physician, as opposed to staying with the same practice group.

Charging a fee for copies of medical records makes it difficult for patients to maintain access to quality care. These fees can be cost-prohibitive for some patients, particularly those with limited means or living on a fixed income. In some instances, the patient must change providers for reasons beyond the patient's control, such as a physician's retirement, a change in health insurance coverage, or a change in employment by the physician.

S.B. 1520 provides that patients may obtain a copy of their medical records for use by a subsequent provider without cost for records that are in electronic format or are under fifty pages. For medical records over fifty pages, there may be \$0.10 charge per page thereafter. Many providers already give patients a free copy of their medical records, so this change would not affect that practice.

As proposed, S.B. 1520 amends current law relating to certain duties of physicians regarding patient records.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Medical Board in SECTION 2 (Section 159.011, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Medical Board is modified in SECTION 1 (Section 159.008, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 159.008, Occupations Code, by amending Subsection (a) and adding Subsection (c), as follows:

- (a) Creates an exception as provided by Subsections (b) (relating to prohibiting a physician from charging a fee for copying certain billing or medical records) and (c), rather than by Subsection (b).

(c) Prohibits a physician from charging a fee for copying or furnishing a copy of the patient's billing or medical records to a subsequent or consulting physician of the patient under Section 159.006(c) (relating to requiring a physician to furnish certain billing or medical records of the patient) or to the patient in excess of:

(1) for providing the requested records in paper format, no charge for the first 50 pages and \$0.10 per page thereafter; or

(2) for providing the requested records in electronic format, no charge.

SECTION 2. Amends Chapter 159, Occupations Code, by adding Section 159.011, as follows:

Sec. 159.011. NOTICE TO PATIENT OF PHYSICIAN RETIREMENT, RELOCATION, OR TERMINATION. (a) Authorizes the Texas Medical Board by rule to require that a physician notify the physician's patients before retiring, relocating, or terminating employment and provide the patients the opportunity to request copies of billing or medical records under Section 159.006 (Information Furnished by Physician).

(b) Prohibits a contract provision from nullifying a requirement adopted under Subsection (a).

SECTION 3. Makes application of Section 159.011, Occupations Code, as added by this Act, prospective.

SECTION 2. Effective date: September 1, 2017.