

By: Miller

H.B. No. 3939

A BILL TO BE ENTITLED

AN ACT

relating to the retention by hospitals and physicians of medical records of a sexual assault victim.

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

SECTION 1. Section 241.103, Health and Safety Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A hospital may not destroy a medical record that the hospital knows relates to the sexual assault of a patient until the earlier of:

(1) the 30th anniversary of the date the record was created; or

(2) the date on which the applicable statute of limitations expires.

SECTION 2. Section 153.003, Occupations Code, is amended to read as follows:

Sec. 153.003. RULES REGARDING MAINTENANCE OF PATIENT RECORDS. (a) The board by rule shall establish the period for which patient records must be maintained.

(b) The rules adopted under this section must prohibit a physician from destroying a medical record that the physician knows relates to the sexual assault of a patient until the earlier of:

(1) the 30th anniversary of the date the record was created; or

(2) the date on which the applicable statute of

1 limitations expires.

2 SECTION 3. As soon as practicable after the effective date
3 of this Act, the Texas Medical Board shall adopt rules necessary to
4 comply with Section 153.003, Occupations Code, as amended by this
5 Act.

6 SECTION 4. This Act takes effect September 1, 2017.