

By: Hancock

S.B. No. 1520

A BILL TO BE ENTITLED

AN ACT

relating to duties of physicians and certain other entities regarding patient records.

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

SECTION 1. Section 159.006, Occupations Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) If a physician retires from, terminates employment with, or otherwise leaves a medical practice, the medical practice shall provide to the departing physician:

(1) a list of each patient seen or treated by the departing physician in the two years preceding the date of the physician's departure, along with the patient's most recent available contact information; and

(2) on written authorization of a patient of the departing physician:

(A) access to the patient's medical records; and

(B) copies of the patient's medical records, on payment of a fee not to exceed the amount prescribed by the board under Section 159.008(a).

(g) Unless the departing physician and medical practice agree otherwise, the list and medical records described by Subsection (f) shall be provided to the departing physician in the same format in which the records are maintained by the medical practice.

1       (h) The requirements of Subsection (f) may not be waived,  
2 voided, or nullified by contract.

3       SECTION 2. Chapter 159, Occupations Code, is amended by  
4 adding Section 159.011 to read as follows:

5       Sec. 159.011. NOTICE TO PATIENT OF PHYSICIAN DEPARTING  
6 MEDICAL PRACTICE. (a) The board by rule shall require that a  
7 physician notify the physician's patients before retiring from,  
8 terminating employment with, or otherwise leaving a medical  
9 practice and provide the patients the opportunity to request copies  
10 of billing or medical records under Section 159.006.

11       (b) The requirements of Subsection (a) may not be waived,  
12 voided, or nullified by contract.

13       SECTION 3. Section 159.006, Occupations Code, as amended by  
14 this Act, and Section 159.011, Occupations Code, as added by this  
15 Act, apply only to a contract entered into or renewed on or after  
16 the effective date of this Act. A contract entered into or renewed  
17 before the effective date of this Act is governed by the law in  
18 effect on the date the contract was entered into or renewed, and the  
19 former law is continued in effect for that purpose.

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