

By: Hancock
(Burkett)

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.