

BILL ANALYSIS

C.S.H.B. 531
By: Miller
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that, due to a backlog of sexual assault kits, the current period for which hospitals and physicians must keep medical records for patients, including sexual assault victims, is not sufficient to ensure that victims are afforded their right to due process. C.S.H.B. 531 seeks to address these concerns by extending the records retention period for hospitals and physicians with respect to the medical records of a sexual assault victim.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Medical Board in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 531 amends the Health and Safety Code to prohibit a hospital from destroying a medical record from the forensic medical examination of a sexual assault victim until the 15th anniversary of the date the record was created.

C.S.H.B. 531 amends the Occupations Code to require the rules adopted by the Texas Medical Board (TMB) regarding the maintenance of patient records to prohibit a physician from destroying a medical record from the forensic medical examination of a sexual assault victim until the 15th anniversary of the date the record was created.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 531 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the type of medical record that may not be destroyed by a hospital or physician until a certain date from a medical record that the hospital or physician knows relates to the sexual assault of a patient to a medical record from the forensic medical examination of a sexual assault victim. The substitute changes the applicable date from the earlier of the 15th anniversary of the date the record was created or the date on which the applicable statute of

limitations expires to just that 15th anniversary.

The substitute does not include a procedural provision relating to the Texas Medical Board's adoption of rules as soon as practicable after the bill's effective date.